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NOMINATIONS

HEARING

BEFORE THE

COMMITTEE ON LABOR AND HUMAN RESOURCES UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

LeGREE S. DANIELS, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF EDUCATION (FOR CIVIL RIGHTS); BERYL DORSETT, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF EDUCATION (FOR ELEMENTARY AND SECONDARY EDUCATION); AND, BONNIE GUITON, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF EDUCATION (FOR VOCATIONAL AND ADULT EDUCATION), DEPARTMENT OF EDUCATION

APRIL 29, 1987

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NOMINATIONS

WEDNESDAY, APRIL 29, 1987

U.S. Senate,
Committee on Labor and Human Resources,
Washington, DC.

The committee met, pursuant to notice, at 10:05 a.m., in room SD-430, Dirksen Senate Office Building, Senator Paul Simon presiding.

Present: Senators Simon and Hatch.

Also present: Senators Wilson, D'Amato, Heinz, and Specter.

OPENING STATEMENT OF SENATOR SIMON

Senator Simon. The hearing will come to order.

We have a confirmation hearing on three nominees and I note the presence of the distinguished junior Senator from California, Senator Wilson, to introduce one of the three nominees. I will call on Senator Wilson at this time.

First, however, we will insert into the record a statement by the chairman of the full committee, Senator Kennedy, and also introductory statements by Senator Hatch, the ranking minority member of the committee.

[The statements referred to follow:]

Statement for Nominations Hearing on April 29th

Senator Edward M. Kennedy

Today, this Subcommittee will consider three nominations for the U.S. Department of Education: the Assistant Secretaries for Vocational and Adult Education, Civil Rights, and Elementary and Secondary Education.

The quality of appointed officials in the agencies of the executive branch is an important concern to all of us. The Federal Government can neverbe effective or efficient in carrying out its duties if it is not staffed by able and competent individuals. Particularly in a period when resources are scarce, we must be certain that the men and women in policy-making positions are both substantially knowledgeable and excellent administrators.

These nominations are especially important because they deal with parts of the Department of Education that are of major interest to everyone. The Office of Civil Rights is charged with ensuring that equal educational opportunity is not only the law of the land but the practice as well. The Elementary and Secondary division administers the largest Federal educational program, Chapter 1, a program that we will reauthorize later this year. Finally, the Vocational and Adult Education division is responsible for helping make high quality vocational and basic education programs available. Congressional interest in each of these areas is extremely high.

I am especially interested in hearing from Ms. Daniels, who has been nominated to be Assistant Secretary for Civil Rights. Under the Reagan Administration, the record compiled by the Office of Civil Rights in the Department of Education has been abysmal. Its history in the last six years has been a sad story of delay, obfuscation and unwillingness to enforce the law. We cannot allow this to continue and I am anxious to learn what Ms. Daniels thinks about these past practices and her plans for changing them.

I am sorry that a prior commitment will keep me from chairing this morning's hearing, but I am pleased that the distinguished Senator from Illinois, Mr. Simon, is able to do so. I have attached a series of questions for each of the witnesses.

SIFCO INDUSTRIES, INC.
CHARLES H. SMITH, JR.
CHAIRMAN OF THE BOARD

April 1, 1987

The Honorable Edward M. Kennedy
Chairman
Committee on Labor and Human Resources
United States Senate
Washington, D.C. 20510

Dear Senator Kennedy:

It is my understanding that your Committee will shortly have before it the confirmation of the nomination of LeGree S. Daniels as Assistant Secretary of Education for Civil Rights. I have known and admired LeGree for several years as we have worked together on the Board of Directors of the National Endowment for Democracy. She is a devoted and loyal American citizen who has demonstrated, in many ways during her career in public service, her dedication to human rights. I am certain that she can make a great contribution to civil rights in our nation and I would urge your Committee to move forward to recommend the confirmation of LeGree Daniels as the new Assistant Secretary for Civil Rights.

Sincerely yours,

Charles H. Smith, Jr.

CHS/vlv

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Reply to:
P.O. Box 3145
Harrisburg, PA 17105-3145

April 23, 1987

Honorable Edward M. Kennedy
Chair, Labor & Human Resources Committee
United States Senate
Washington, DC 20510

Dear Senator Kennedy:

The Labor & Human Resources Committee will be considering the nomination by President Ronald Reagan of Ms. Legree Daniels for the position of Assistant Secretary for Civil Rights, for the United States Department of Education. Let me express my support of her candidacy for this position.

I have known Legree Daniels for many years, as a public servant and civil rights activist. She is a woman of great integrity and high principles. She is also a caring and concerned person, who has taken a special interest in young people and their education.

Ms. Daniels has taken a strong stand for equal opportunity. Her position on Affirmative Action is consistent with the present state of the law in this area and she has publicly expressed her position verbally and in writing.

While Ms. Daniels does not possess the traditional academic qualification for the position, she has a history of seeking out and heeding good advice, and mobilizing resources to achieve her civil rights goals.

We respectfully request your support in confirming Legree Daniels for this position.

Very truly yours,

Homer C. Floyd

Homer C. Floyd
Executive Director

cf

cc: Senator Orin Hatch ✓

STATEMENT BY MR. HATCH

NOMINATION OF MRS. LeGREE S. DANIELS
ASSISTANT SECRETARY FOR CIVIL RIGHTS

MR. CHAIRMAN, I AM ESPECIALLY PLEASED TO WELCOME MRS. LEGREE S. DANIELS, THE PRESIDENT'S NOMINEE TO BE THE ASSISTANT SECRETARY FOR CIVIL RIGHTS IN THE DEPARTMENT OF EDUCATION. I HAVE KNOWN HER FOR MANY YEARS. MY RESPECT FOR HER ONLY INCREASES WITH TIME. I KNOW SHE WILL DO AN EXCELLENT JOB WHEN CONFIRMED BY THE SENATE.

LET NO ONE DOUBT THAT SHE DOES, INDEED, HAVE THE CREDENTIALS FOR THIS JOB, ALTHOUGH THEY MAY BE SLIGHTLY DIFFERENT THAN THOSE OF HER PREDECESSORS. MRS. DANIELS EXEMPLIFIES PUBLIC SERVICE, HAVING SPENT HER LIFE--PRIVATE AS WELL AS PUBLIC--ADVANCING THE CIVIL RIGHTS OF ALL HER FELLOW CITIZENS. IN RECOGNITION OF THIS HARD WORK AND CONSIDERABLE EFFORT, SHE HAS BEEN ELECTED OR APPOINTED TO POSITIONS AT THE HIGHEST LEVELS OF STATE AND NATIONAL POLITICAL ORGANIZATIONS. FOR EXAMPLE, SHE HAS SERVED AS CHAIRMAN OF THE NATIONAL BLACK REPUBLICAN COUNCIL.

If we stop to think for just a moment, we should all recognize that it is precisely through active participation in politics that we, as citizens, are able to maintain and enlarge our freedom and civil rights. Even more fundamentally, it is the exercise of the right to vote which protects our civil rights. Thus, who can question Mrs. Daniels' commitment to civil rights in view of the number of decades--not just years--she has spent urging political participation and promoting voter registration, often at a time when it was not popular for someone of her background to do so . . . ? Mr. Chairman, without objection, I would also like to have placed in the record some letters I have received supporting Mrs. Daniels' qualifications in this regard.

The commitment is there. It's proven by her record. Likewise, her administrative and managerial experience leave me with no doubt that she has these further qualifications to do the job for which the President wisely has selected her. She has served as a staff assistant to the former Senate Minority Leader, Senator Hugh Scott, and, more recently, as Chairman of Pennsylvania's Tax Equalization Board, Commissioner of its Bureau of Elections and Legislation and, most recently, Deputy Secretary of the State of Pennsylvania.

Time is running short, Mr. Chairman, so let me add only that Mrs. Daniels has a broad record of further social service, from serving on the Harrisburg, Pennsylvania, Hospital Advisory Board and the Mayor's Committee on Human Relations to appointments to the Board of the National Endowment for Democracy, the President's Commission of White House Fellows, the United States Army Science Board, the Advisory Board of the U.S. Commission on Civil Rights, and as a delegate to the White House Conference on Aging.

Along with these other two qualified ladies, I am pleased to welcome Mrs. Daniels and urge speedy confirmation of [redacted] {their} nomination{s}.

COURT OF COMMON PLEAS
TWELFTH JUDICIAL DISTRICT
DAUPHIN COUNTY, PENNSYLVANIA

WARREN G. MORGAN
JUDGE

COURT HOUSE
HARRISBURG

April 23, 1987

Senator Orrin G. Hatch
Minority Chairman
Labor & Human Resources
United States Senate
Senate Russell Office Building
Washington, D.C. 20510

Dear Senator:

I am pleased to send this letter of support for the nomination of LeGree S. Daniels for the position of Assistant Secretary of Education for Civil Rights.

I have known Mrs. Daniels for over twenty five years as a friend and neighbor. Her general reputation in the community is outstanding and I can personally attest to her integrity, industry and intelligence.

I respectfully urge that she be favorably considered.

Sincerely yours,

Warren G Morgan
Warren G. Morgan

WGM:mjm

COURT OF COMMON PLEAS
TWELFTH JUDICIAL DISTRICT
DAUPHIN COUNTY, PENNSYLVANIA

SEBASTIAN D. NATALE
JUDGE

COURT HOUSE
HARRISBURG

April 23, 1987

Senator Orrin G. Hatch
Minority Chairman,
Labor & Human Resources
United States Senate
Senate Russell Office Building
Washington, DC 20510

RE: LeGree S. Daniels
1715 Glenside Drive
Harrisburg, PA 17109

Dear Senator Hatch:

I would like to recommend to you LeGree S. Daniels for confirmation as Assistant Secretary of Education for Civil Rights.

I have known Mrs. Daniels over a substantial period of time and she is a woman of high integrity and extreme professionalism and I am exceptionally pleased to recommend her to you.

I might note that Mrs. Daniels and I are of different political persuasions but that has not deterred my genuine respect for her.

Very truly yours,

Sebastian D. Natale

dk
cc: Mrs. Daniels

Tri-County Opportunities Industrialization Center, Inc.

P.O. Box 1941
Harrisburg, PA 17105

(717) 238-7318

April 23, 1987

Senator Orrin G. Hatch
Minority Chairman
Labor & Human Resources
United States Senate
Senate Russell Office Building
Washington, D.C. 20510

Dear Senator Hatch:

Please be advised that I have known Mrs. Daniels for a period in excess of Twenty (20) years. I know many people in this community who know her. She enjoys an excellant reputation for being an unselfish, productive, and civic-minded person.

Mrs. Daniels has been involved, at the organizational level, with many civil rights activities, including the March on Washington, where Dr. Martin Luther King delivered his historic speech. She is an ardent supporter of the N.A.A.C.P., The Urban League and many other local and national civil rights organizations. She has been very supportive of O.I.C. in helping to educate and find employment for under-privileged people of all ethnic backgrounds.

In closing, it is my opinion, that Mrs. Daniels would bring to the office she seeks, a comprehensive, productive approach, to the problems in the field of civil rights.

Very Truly Yours,

Clarence C. Morrison

Clarence C. Morrison

Post Office Box 2231
Waterloo, Iowa 50704
April 3, 1987

Senator Orrin Hatch
Minority Chair
Senate Office Building
135 Russell
Washington, D.C.

Dear Honorable Hatch,

It has been brought to my attention that Mrs. LeGree Daniels is subject to being appointed as Assistant Secretary Education in Civil Rights. I firmly support this appointment. First, because Mrs. Daniels is a top qualified applicant who brings a lot of fair humanism to the department. Secondly, her many years of research which was involved infacts and information gathering has proven she is able to arrive at decisions from a factual standpoint. Thirdly, Mrs. Daniels has proven her unique ability to deal and work with all caliber of people. I have been intrigued with her diplomatic mannerism of achieving goals. Her record is outstanding for setting patterns and trends; not one of a follower.

Mrs. LeGree Daniels will give dignity to the position and she will convey to the citizenery of this country that the said department will investigate and deal with all cases properly and fairly.

Finally, I would say without fear of contradiction, that Mrs. Daniels is a perfect for the position. And I will not hestitate to endorse her for any position she would apply or be considered for. I arrived at the aforemention from my twenty-eight (28) years of personnel work and experience for the State of Iowa.

Sincerely yours,

Anna Weems

Anna Marie Weems, Director of Special Services/EEO-MPII

637 Independence Avenue
Waterloo, Iowa 50703
April 3, 1987

Senator Orrin Hatch
Minority Chair
Senate Office Building
135 Russell
Washington, D.C.

Dear Honorable Hatch,

It is very gratifying to know that Mrs. LeGree Daniels is being considered Assistant Secretary Education in Civil Rights. I have known Mrs. Daniels for well over ten (10) years. These ten years of dedicated and intense party programming. Under her administrarion as National Chair of NBRC(National Black Republican Council) I was State Chair of NBRC of Iowa. Mrs. Daniels gave us the leadership, organization and goal setting for successful campaigning.

Presently, I am Commissioner and office holder of the Iowa Civil Rights Commission as well as an educator. I am fully aware of the kinds of characteristic, backgrounds, skills experience and knowledge a person must have to qualify for that position. Mrs. Daniels has all the qualities mentioned above.

Please let it be known to all your committee that I endorse her, and request your full support for her in this position.

Sincerely ,

Ruby Abebe

Ruby Dianne Abebe

STATEMENT BY MR. HATCH

NOMINATION OF BERYL DORSETT
ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION

I AM PLEASED THAT MRS. BERYL DORSETT HAS BEEN NOMINATED TO BE THE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION IN THE DEPARTMENT. SHE IS WELL QUALIFIED AND, I BELIEVE, WILL DO A GOOD JOB.

MRS. DORESTT HAS HAD A LONG CAREER IN EDUCATION. SHE HAS BEEN BOTH A TEACHER AND AN ADMINISTRATOR. I AM ALSO ESPECIALLY DELIGHTED AT THE CONSIDERABLE EXPERIENCE SHE HAS HAD WITH THE CHAPTER 1 PROGRAM FOR EDUCATIONALLY AND ECONOMICALLY DISADVANTAGED CHILDREN, AN IMPORTANT PROGRAM WHICH WE, ON THE EDUCATION SUBCOMMITTEE, ARE NOW IN THE PROCESS OF REAUTHORIZING. THAT EXPERIENCE AND HER SUCCESSFUL TENURE AS AN ACTING PRINCIPAL AT PUBLIC SCHOOL 73 IN THE BRONX ARE BELL-WEATHERS OF HER ABILITY AND COMMITMENT TO TEACH SOME OF THE MOST DESERVING CHILDREN IN OUR PUBLIC SCHOOL SYSTEM. ONE CONVERSATION WITH MRS. DORSETT CONFIRMS THAT COMMITMENT--SHE IS A DYNAMO OF COMMON SENSE AND

DETERMINATION TO ENSURE THAT THESE CHILDREN, AND ALL CHILDREN, LEARN.

LET ME QUICKLY MENTION THAT MRS. DORSETT HAS ALSO RECEIVED MANY AWARDS FOR A WIDE VARIETY OF COMMUNITY SERVICE. SHE HAS AN OUTSTANDING AND BROAD RECORD OF "ROLLING UP HER SLEEVES AND PITCHING IN" TO SERVE THE TOTAL NEEDS OF HER OWN AND THE WIDER COMMUNITY.

MR. CHAIRMAN, I CERTAINLY HOPE THAT THERE WILL BE WIDESPREAD AND ENTHUSIASTIC SUPPORT FOR MRS. DORSETT'S NOMINATION AND THAT WE WILL ALL WORK WITH HER FOLLOWING HER CONFIRMATION--EVEN IF, I MIGHT ADD, I'M AFRAID WE MAY HAVE TO DO A BIT OF RUNNING TO KEEP UP WITH HER.

STATEMENT BY MR. HATCH

NOMINATION OF DR. BONNIE GUITON
ASSISTANT SECRETARY FOR ADULT AND VOCATIONAL EDUCATION

Mr. Chairman, along with the other members of the Committee, I am pleased we are considering the nomination of Dr. Bonnie Guiton to be Assistant Secretary for Vocational and Adult Education. She is eminently qualified for this position based on her professional experience, academic credentials, and personal characteristics.

Since we are somewhat short on time, let me just say that Dr. Guiton has excellent ideas about policies for both vocational and adult education. As we all know, and is particularly the case in my home state of Utah, these areas are becoming ever more important components of our educational system. Thus, I hope we will confirm this candidate who can help make responsible and innovative changes in these programs, changes necessary to the future well-being of so many Americans.

Senator SIMON. Senator Wilson you may proceed.

STATEMENT OF HON. PETE WILSON, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator WILSON. Thank you very much, Mr. Chairman. I have the great pleasure and privilege this morning of introducing to you a very distinguished Californian nominated to serve as the Assistant Secretary of Education for Adult and Vocational Education, Dr. Bonnie Guiton.

The President deserves our congratulations, Mr. Chairman, for this nomination, because in Dr. Guiton the Committee will find a candidate of unsurpassed intellect, initiative and leadership, and I know that her service will meet the standards of excellence established in what is already a distinctive and impressive career.

Dr. Guiton, previously a resident of Oakland, is a graduate of Mills College and of the California State University at Haywood. In 1985, she was awarded a doctoral degree in education from my alma mater, the University of California at Berkeley.

I first met Bonnie upon her arrival in Washington two years ago when she came to serve on the Postal Rate Commission and I am not sure whether we can credit her with this exclusively, but I would note that the price of stamps has not increased since she arrived. [Laughter.]

If she can do the same thing for the costs of education, then I know she will be the most popular nominee yet appointed.

In all seriousness, I believe that Dr. Guiton is well-qualified for the position for which she has been nominated, for two very important reasons. First, she has demonstrated both a very strong skill and interest in the area of education as demonstrated by her degree and by her career prior to joining the Kaiser Corporation.

Equally important as a business executive who has turned her manifold skills to the public interest, Dr. Guiton brings a first-hand knowledge of what types of skills the private sector needs in the workplace, an important requirement of one who will preside over adult and vocational education.

I think that it is clearly true that the best social program government can ever promote is a job for those who are able and willing to work. Infusing the knowledge which Dr. Guiton has of the needs of business with her knowledge of and concern for the educational process, I believe that she offers a unique opportunity to innovate an experiment in this policy area.

Mr. Chairman, I know that your review of Bonnie's credentials will confirm my own belief that she represents the highest caliber of public servant. I look forward to working with her in the betterment of education, not just in California but throughout the nation.

So I have the very great pleasure and privilege to introduce her to you and to urge that the Committee act expeditiously and confirm her appointment.

Thank you.

Senator SIMON. Thank you, Senator Wilson.

In going over Dr. Guiton's background here quickly, I noticed that you skipped the most important fact of her life—that is, she was born in Springfield, Illinois. [Laughter.]

Senator WILSON. Well, I did that, Mr. Chairman, full of confidence that the Chairman would not let that important fact go unnoticed.

Senator SIMON. We thank you, Senator Wilson.

I note presence of the junior Senator from New York, Senator D'Amato, and we are pleased to have you here, Senator.

STATEMENT OF HON. ALFONSE D'AMATO, A U.S. SENATOR FROM THE STATE OF NEW YORK

Senator D'AMATO. Mr. Chairman, it is nice to be before you, a distinguished Chairman who cares about the plight of education—and I say plight because there are serious problems in our educatonal system, but perhaps more so today than at any time in our nation's history. Education is threatened not so much by the lack of quality teachers or people who care, but by some very insidious forces that were not present, or at least not prevalent, when we were students. I am talking about the forces of drug and alcohol addiction, which are among the chief obstacles that this nation must overcome if we are going to successfully bring domestic tranquility to our country.

Mr. Chairman, that is why I am indeed privileged to be here before you and this Committee to introduce Beryl Dorsett. Beryl Dorsett has been nominated to be Assistant Secretary for Elementary and Secondary Education. She has a unique background and has undertaken the challenges in a ghetto school district in order to provide an opportunity for youngsters to gain a meaningful education in a drug-free environment, an environment in which drugs are pervasive from the day that a child leaves his or her home on their way to school, around the school itself, and I dare say in the school, with some of her own youngsters not only using but also engaged in the sale of drugs.

She has an accomplished background that relates to working with our youngsters in the most disadvantaged circumstances.

A recent article, Mr. Chairman, entitled "Fighting Drugs in the Bronx School by the Book," describes Beryl Dorsett and her attempt to develop a drug program in an elementary school where she was principal, utilizing some of the educational materials supplied by the Education Department.

I think it is important that the Department of Education recognize that it is necessary to utilize experienced people who are battling against drug and alcohol abuse. Mr. Chairman, I would like to submit the text of this article to you so that it might be included in the record.

Senator SIMON. It will be included in the record.

Senator D'AMATO. Beryl has held various teaching and management positions with the New York City Board of Education, including Principal of PS-73, Coordinator of Social Studies and Reading Programs for more than 10,000 students in 18 schools, and Director of Chapter I Programs, with a budget in excess of $10 million.

I indeed think, Mr. Chairman, that Beryl Dorsett's record and reputation demonstrates that she is a creative, intelligent, and an excellent educator. I am also confident that if and when confirmed by the Senate, she vigorously will pursue her responsibilities as an

Assistant Secretary of Elementary and Secondary Education, with a very special emphasis in regard to the plight of many of our youngsters today, whether they be in ghetto schools or in schools of most affluent circumstances, and that is the menace of drug addiction which plagues so many of our school districts and communities.

Mr. Chairman, I am hopeful that she will be confirmed and will receive your strong support.

Thank you, Mr. Chairman.

Senator SIMON. We thank you, Senator D'Amato. It is good to have you here with us. We appreciate it.

[The prepared statement of Senator D'Amato and the article referred to follow:]

STATEMENT OF SENATOR ALFONSE M. D'AMATO
ON THE NOMINATION OF BERYL DORSETT TO BE
ASSISTANT SECRETARY OF ELEMENTARY AND SECONDARY EDUCATION

APRIL 29, 1987 SD - 430

MR. CHAIRMAN, THANK YOU FOR ALLOWING ME TO APPEAR BEFORE THE COMMITTEE ON LABOR AND HUMAN RESOURCES THIS MORNING. IT GIVES ME MUCH PLEASURE TO INTRODUCE TO THE COMMITTEE MEMBERS PRESIDENT REAGAN'S NOMINEE FOR ASSISTANT SECRETARY OF ELEMENTARY AND SECONDARY EDUCATION, MS. BERYL DORSETT.

MS. DORSETT IS A RESIDENT OF THE BRONX, NEW YORK. FOR THE PAST 22 YEARS, SHE HAS HELD VARIOUS TEACHING AND MANAGEMENT POSITIONS WITH THE NEW YORK CITY BOARD OF EDUCATION, INCLUDING PRINCIPAL OF PS 73, COORDINATOR OF SOCIAL STUDIES AND READING PROGRAMS FOR MORE THAN 10,000 STUDENTS IN 18 SCHOOLS, AND DIRECTOR OF CHAPTER I PROGRAMS WITH A BUDGET IN EXCESS OF $10 MILLION. PRESENTLY, MS. DORSETT IS AN ASSISTANT PRINCIPAL AT PUBLIC SCHOOL 229.

A RECENT NEW YORK TIMES ARTICLE ENTITLED, "FIGHTING DRUGS IN A BRONX SCHOOL, BY THE BOOK," DESCRIBED MS. DORSETT'S DEVELOPMENT OF A DRUG PREVENTION PROGRAM IN THE ELEMENTARY SCHOOL WHERE SHE WAS PRINCIPAL UTILIZING A U.S. DEPARTMENT OF EDUCATION PUBLICATION. I RESPECTFULLY REQUEST THAT THE FULL

TEXT OF THIS ARTICLE APPEAR IN THE HEARING TRANSCRIPT. IN THE ARTICLE, MS. DORSETT RECOUNTS HER FIRST DAY WATCHING CHILDREN PICK THEIR WAY THROUGH EMPTY CRACK VIALS NEAR THE SCHOOL BUILDING. LOCAL DRUG DEALERS WERE PAYING 10 CENTS FOR EVERY UNDAMAGED VIAL THE CHILDREN RETURNED. MS. DORSETT DID MORE THAN NOTICE AND RECOIL IN HORROR; SHE WAS GALVANIZED INTO ACTION. AS A RESULT OF HER EFFORTS, A DRUG EDUCATION PROGRAM HAS BEEN INITIATED AT EVERY GRADE LEVEL.

MS. DORSETT'S RECORD AND REPUTATION IS THAT OF A CREATIVE, INTELLIGENT AND EXCELLENT EDUCATOR. I AM CONFIDENT, IF CONFIRMED BY THE SENATE, SHE WILL PURSUE VIGOROUSLY HER RESPONSIBILITIES AS ASSISTANT SECRETARY OF ELEMENTARY AND SECONDARY EDUCATION. I AM PLEASED TO INTRODUCE TO THE COMMITTEE, MS. BERYL DORSETT.

THANK YOU, MR. CHAIRMAN.

THE NEW YORK TIMES, SUNDAY, MARCH 29, 1987

Fighting Drugs in a Bronx School, by the Book

By JAMES S. NEWTON

When Beryl Dorsett took over as interim principal of Public School 73 last September, the building was surrounded by the flourishing drug trade of the South Bronx. So she turned to the Federal Government for help in protecting her students.

Not for money — New York City's drug education programs are financed entirely by the city and state — but for free advice. At her request, the Department of Education sent Mrs. Dorsett "What Works: Schools Without Drugs," a free handbook it published in September that outlines step-by-step measures for ridding schools and campuses of drugs.

The 78-page book features examples of several schools with successful drug programs. It breaks down responsibility for drug prevention into four areas — two deal mainly with parent and community efforts while the others focus on the need for schools to adopt comprehensive drug programs and for students to learn about the effects of drugs and to report drug use to parents and school administrators.

Since the book was released, more than a million copies have been distributed. Schools from virtually every state have ordered extra copies, and officials say hundreds, perhaps even a thousand, schools have adopted portions of the book's recommendations.

The book helped P.S. 73 to develop its own drug prevention program, something Mrs. Dorsett said she considered the school's top priority.

Mrs. Dorsett recalls that on her first day on the job she noticed children picking their way through empty crack vials near the school building. Later she learned that local dealers were paying 10 cents for every undamaged vial the children returned.

What's more, the school ranked 618th out of 622 elementary schools in New York City in reading scores and had what one school official called "the worst discipline problem imaginable."

The students had shown no signs of drug abuse, but Mrs. Dorsett feared that, given the neighborhood and the school's other problems, drugs could easily work their way in. And if they did, she said, there might never be a chance for the school to excel.

"The book was invaluable," said Mrs. Dorsett, who ordered copies for herself and her assistant principals. "It helped get us started on a program that I think is really making a difference."

Art S. Smith, director of a drug program at P.S. 73 and two dozen other elementary and junior high schools, said children in every grade now get some drug education. The schools have established peer group programs to provide student counseling, initiated poster contests to get students to spread the theme of "self esteem over drug use," and inserted drug education sections in the curriculum for kindergarten through 12th grade.

Through the program, students are taught to identify different drugs and to recognize the signs and dangers of drug use.

'It Gives You a Menu of Ideas'

Those ideas, which are discussed in "Schools Without Drugs," often strike school officials as common sense, according to William J. Lennox, a spokesman for the Education Department. "But the fact is people don't always think of them."

Mr. Smith agreed. "It gives you a menu of ideas," he said. "You pick and choose from them."

And at P.S. 73, the dealers still loiter outside building, but students now seem attuned to the central message of the book and the district drug program: Be wary of unknown substances and the people who offer them.

As Mrs. Dorsett recently quizzed a group of fourth graders about drugs, all hands went up at the question, "How many of you know where crack is sold?" Some of the students even pointed to the apartment building next door, where Mrs. Dorsett said she has asked the janitors to sweep up the empty crack vials every morning so that the children cannot pick them up.

But when she asked the class whether they would use drugs, the students responded with a flurry of "no's."

"I want to be a professional football player," said one of the fourth graders. "And you can't be a football player if you do drugs."

Senator SIMON. I note the presence of the distinguished Senator from Pennsylvania. We are pleased to have Senator Heinz here to introduce a nominee.

Senator Heinz?

STATEMENT OF HON. JOHN HEINZ, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator HEINZ. Mr. Chairman, Senator Hatch, thank you very much for giving me the opportunity to testify this morning. I am here obviously because I want to introduce to you and to commend to the Committee LeGree Daniels for the position of Assistant Secretary for Civil Rights at the U.S. Department of Education.

I have got to tell you at the outset that I am just extraordinarily impressed by and am an unmitigated fan of LeGree Daniels. She is my good friend. I have seen her in a variety of responsibilities, and I must tell you that I am not anything but enthusiastic about her nomination. But if you discount that, I think nonetheless her qualifications are outstanding, even if I cannot do justice to them in the brief time allotted to her and us.

I do think she is extraordinarily well qualified for the position of Assistant Secretary for Civil Rights. She has an extraordinary background in public service.

I would ask to put into the record her curricula vitae, Mr. Chairman.

Senator SIMON. It will be included at an appropriate point.

Senator HEINZ. Both as a public servant and as a private citizen, she has consistently advanced the cause of civil rights for fellow citizens. She has been a member—and this is in her resume—of the National Endowment for Democracy, a member of the Advisory Board of the U.S. Commission on Civil Rights, the National Coalition on Black Voter Participation, the Young Women's Christian Association, as well as numerous other Pennsylvania associations and groups, such as the Pennsylvania Martin Luther King Commission.

LeGree Daniels has most recently served as Deputy Secretary of State of the Commonwealth of Pennsylvania, and I think were you to inquire of the legislators in the State Senate who confirmed her, on either side of the aisle, they would tell you that not only was her nomination for that position a good one, but that they were pleased with her performance and were she to be nominated, irrespective of circumstances, whether they were Republican or Democrat, they would once again I think vote strongly overwhelmingly to confirm her.

So this is an exceptional person. She is a good person, she has the background and it is a pleasure to be here to say a few words on behalf of LeGree Daniels.

Thank you.

Senator SIMON. We thank you very, very much, Senator Heinz. We appreciate your being here.

[The prepared statement of Senator Heinz follows:]

PREPARED STATEMENT OF SENATOR JOHN HEINZ

I want to thank the chair of this hearing for giving me the opportunity to testify on behalf of my good friend LeGree Daniels. Lee has done so much in her life that I can hardly do justice to her good works in the brief time allotted here, but I will attempt to at least highlight her experience and why I think she would be especially qualified for the position of Assistant Secretary for Civil Rights at the U.S. Department of Education.

LeGree exemplifies public service, having spent her life—private as well as public—advancing the civil rights of fellow citizens. Her resume says it all—she has been a member of the Board of the National Endowment for Democracy, a member of the Advisory Board of the U.S. Commission on Civil Rights the National Coalition on Black Voter Participation, the Young Women's Christian Association as well as numerous Pennsylvania association and groups such as the Pennsylvania Martin Luther King Commission.

LeGree would bring a breadth of perspective and experience to the position of Assistant Secretary and I recommend her to you without reservation.

Thank you.

Senator SIMON. I note the presence of our colleague, Senator Hatch. Do you have an opening statement you wish to make, Senator?

OPENING STATEMENT OF SENATOR HATCH

Senator HATCH. Thank you, Mr. Chairman, Senator Simon.

I am extremely happy to be here to welcome all three of the nominees to the Committee. I cannot stay very long, but this is an important hearing. All three of the positions in the Department of Education for which these ladies have been nominated are extremely important.

I know LeGree Daniels very well. We serve together on the Board of the National Endowment for Democracy, and she does a terrific job. She has been a very diligent member and, I think, adds a lot to that particular board.

Beryl Dorsett and Bonnie Guiton, we are very, very happy to have you recommended for your respective positions also.

It is a real tribute to each of you that the President has selected you for these extremely important positions.

Mr. Chairman, I have statements on each one of these fine people. I ask that they be printed in the record immediately following your opening statement.

Again, I just want to welcome you all here and to tell you that we hope that your confirmations will go through speedily, that you will be able to get into these jobs quickly and do a fine job for the American people.

I appreciate the work all three of you have done previously and look forward to working with you in your new positions. Thank you.

Senator SIMON. Thank you, Senator Hatch. Your statements will be entered in the record at an appropriate place.

I think we will take the witnesses one at a time.

Dr. Guiton, can you just briefly outline your background for this position as Assistant Secretary for Vocational and Adult Education?

STATEMENT OF BONNIE GUITON, A NOMINEE TO BE ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION, U.S. DEPARTMENT OF EDUCATION

Ms. GUITON. Certainly. First, I would like to say that from the very beginning, my experience as a vocational education student in high school, that has provided me with the foundation for my care and concern for vocational education.

As an aside, I would like to say that I think that particular experience in high school sensitized me to the fact that vocational education need not necessarily be an end-all but should provide students with a number of options for employment.

I have worked in education at Mills College. I have served as an Assistant Dean of Students, where I worked with a wide variety of students, including adult students who were returning to college.

I worked at the Marcus Foster Educational Institute as Executive Director, and there I was directly involved in programs within the public school system. The total focus of the Marcus Foster Educational Institute was to provide funds for programs within the open public school system that had funds coming from no other direction. We filled a void there that I think was very critical, both in the basics and in vocational education.

At Kaiser Aluminum, where I was a corporate Vice President, my involvement with the community was rather extensive. I spent a considerable amount of time in the schools working with students, lecturing and doing whatever I was asked to do. In addition I helped to provide jobs for those students who were trying to acquire skills for a lifetime of work.

So, Mr. Chairman, I feel that my sensitivities are extremely high as they relate to this position, and I also feel that the work I have done in the past in vocational education speaks well for me.

Senator SIMON. If I can be more specific, the President's budget backed by the Secretary calls for the elimination of the vocational education program at the Federal level. Do you believe in the program?

Ms. GUITON. Well, it is my understanding that the budget consideration was strictly a budget item, certainly not philosophical in nature. In my conversations with the Secretary prior to the budget submitted last year, he indicated that his desire was for strong and creative leadership for vocational education.

Budgets are seldom ever made in a vacuum. I am assuming that that was the case in this instance, and so I will appeal to the Secretary in support of dollars and reforms for vocational and adult education.

Senator SIMON. Number one, Congress is not about to go along with the dismantling of vocational education programs, but if the Secretary says to you, "Dr. Guiton, we are going to have to dismantle the program, Congress won't go along, you just quietly start dismantling the vocational education program," you are not going to go along with that approach?

Ms. GUITON. In all good consciousness, I could not go along with that approach, but I also do not believe that would be an approach on the part of the Secretary. That was a very clear understanding when I was asked to consider this position, so I am very comfortable that the Secretary is supportive of vocational education. I am also confident that what he would like to see is accountability for the funds that are spent. I think he would like to see creativity utilized so that the resources we have are well placed, and I think that is very important.

There are too many kids who are falling through the cracks and I think we need to provide the proper leadership to make sure that they have an opportunity in their life work.

Senator SIMON. Thank you very much, Dr. Guiton.

Ms. GUITON. Thank you, Mr. Chairman.

[The prepared statement and biographical sketch of Ms. Guiton follow:]

STATEMENT OF BONNIE F. GUITON
NOMINATED AS
ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION

SENATE LABOR AND HUMAN RESOURCES COMMITTEE

APRIL 29, 1987

Thank you Mr. Chairman and Members of the Committee:

I wish to thank the President for nominating me as the Assistant Secretary for Vocational and Adult Education, and Senator Wilson for his kind introduction, and his support during the past two years.

As a former vocational education student, I look forward to working in a discipline that I consider to be of tremendous importance in the 1990's. I know, firsthand, that vocational education can be the economic life-blood of many young, first-time job seekers. And, as job opportunities and requirements continue to change, our resources must be well-coordinated and well-placed to make real the promise of vocational education, for those young people who need it.

I am equally enthusiastic about adult education. Having begun my undergraduate work at the age of thirty, I can appreciate the educational needs and concerns of older individuals. And, as a former corporate manager, I recognize the importance of continually retraining the American workforce if we are to retain the competitive edge in the world marketplace.

I look forward to working with you, Mr. Chairman, Members of this Committee and the Secretary, to forge the creative solutions that are critically necessary as vocational and adult education move into the 1990's.

I would be pleased to respond to any questions you may have.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: Guiton (LAST) Henrietta (Bonnie) (FIRST) F. (OTHER)

Position to which nominated: Assistant Secretary Vocational & Adult Education

Date of nomination: March 18, 1987

Date of birth: 30 (DAY) 10 (MONTH) 41 (YEAR)

Place of birth: Springfield, IL

Marital status: Divorced

Full name of spouse:

Name and ages of children: Nichele Monique Guiton - Age 17

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Mills College Oakland, CA	1971-1974	B.A.	5/74
California State Univ. Hayward, CA	1974-1975	M.S.	10/75
U. C. Berkeley Berkeley, CA	1975-1985	Ed.D.	10/85

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Phi Lamda Theda Academic Society

Equal Rights Advocate - Economic Development Award

NAACP Legal Defense Fund - Outstanding Community Leader Award

Marcus A. Foster Distinguished Alumni Award

McClymonds High School Outstanding Alumni Award

CANDACE Award of Business - National Coalition of 100 Black Women

California Community College Award
YWCA Tribute to Women in International Industry Award
KABL Radio - Citizen of the Day
California State University, Hayward - Dean's List
(Many other community awards)

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

Organization	Office held (if any)	Dates
See Attachment #1		

Employment record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

See Attachment #2

Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above.

None

Published writings: List the titles, publishers and dates of books, articles, reports or other published materials you have written.

A Partnership in Learning Program: A Collaborative Learning
Experience between Education and Business - Doctoral Dissertation

Political affiliations and activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last five years.

See Attachment #3

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

No

3. Has a commitment been made to you for employment after you leave Federal service?

No

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

Yes

Potential conflicts of interest:

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflicts of interest with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

None

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

None

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

N/A

Attachment #1

Name	Type	From/To	Office Held
American Management Assn., NY	Professional	1977-82	Member
Oakland Symphony Orch. Assn.	Cultural	1978-79	Board of Director
Pacific Childrens Center/ Pacific Child & Family Counseling Center, Oakland	Family Counseling	1977-79	" " "
Easter Seal Society, Oakland	Charitable	1978-79	Board of Director
University YWCA, Berkeley	Civic	1976-77	Board of Director
Oakland Museum Assn.	Cultural	1979-80	Board of Director
Head-Royce School, Oakland	Educational	1979-80	Board of Director
KQED Channel 9, S.F.	Public Service	1979-81	Board of Director
Oakland Convention & Visitors Bureau, Oakland	Civic	1979-82	Board of Director
Junior League of Oakland-East Bay, Inc. - Oakland	Civic	1978-80	Community Advisor Committee Member
Sickle Cell Anemia Disease	Charitable	1978-80	Honorary Board Me
Pi Lambda Theta Academic Honorary Soc. for Educators, Berkeley, CA	Professional	1975-Present	Member
No. California NAACP Legal Defense Fund, SF	Civic	1979-Present	Member
World College West, SF	Educational	1979-80	Trustees' Adviso Council Member
The Oakland Athletics Baseball Co., Oakland	Civic	1981-82	Community Adviso Committee Member
Oakland Chamber of Commerce	Civic	7/8/81-85	Board of Directo (+ various comm.
Central Bus. District Assn. of Oakland	Civic	6/20/81-Present	Board of Directo
United Way of the Bay Area	Charitable	11/1/81-83	Board of Directo
The Management Center	Charitable	12/23/81	Advisory Council M
Bay Area Black United Fund	Charitable	2/17/82-Present	Board of Directo
The Urban Land Institute	Real Estate	1982-Present	Member
City of Oakland Economic Development Advisory Committee	Civic	6/15/82-Present	Commissioner
Boy Scouts of America	Civic	11/30/82	Member
First District Agricultural	Civic	1/5/83-Present	Board of Directo
Peralta Community Colleges District Foundation	Educational	1/1/83-Present	Board of Directo
National Realty Committee	Professional	3/3/83-Present	Member
Northern California Conference of Christians & Jews Assn., Cal. State, CA	Charitable	1/1/83-86	Board of Governo
Kaiser Development Co., Oakland		1/83-Present	
Kaiser Center, Inc. and Kaiser Center Properties "		1/80-Present	Vice President & General Manager
Merritt Park Corporation "		1/81-Present	Chairman of the
Institute for Social Change, Berkeley		1984-85	Executive Commit

Attachment #1 (continued)

Name	Type	From/To	Office Held
National Urban Coalition	Civic	1986-Pres.	Bd. of Dir.
National Assn. of Regulatory Utility Commissioners	Professional	1984-Pres.	Member
Army Secretariat Task Force for Morale, Welfare & Rec. Review	Military	1986-Pres.	Member
International Assn. of Students in Economics & Bus. Management (AIESEC)	Education	1986-Pres.	Bd. of Dir.
Exec. Women in Government	Professional	1985-Pres.	Member
Independent Agency Women	Professional	1986-Pres.	Member
EL IV	Professional	1985-Present	Member

Attachment #2

From	To	Name of Employer & Supervisor	Address
Dec. 84	Present	U.S. Postal Rate Commission	1333 H St. N.W. Washington, D.C.
Jan. 80	Dec. 84	Kaiser Aluminum & Chem. (Kaiser Center Inc.) T. F. Preece	1 Kaiser Plaza Oakland, CA
Apr. 79	Jan. 80	Kaiser Aluminum T. F. Preece	300 Lakeside Dr. Oakland, CA
Aug. 79	Apr. 79	Marcus A. Foster Educational Institute	1212 Broadway Oakland, CA
Jul. 75	Aug. 76	Mills College Ms. Keller	Seminary & MacArthur Oakland, CA
Sept.73	Jul. 75	"	"
Sep. 70	Sep. 73	Mills College Dr. Tribble	"
Oct. 69	Sep. 70	(on maternity leave)	
May 69	Oct. 69	Mills College Dr. Tribble	Seminary & MacArthur Oakland, CA
Jan. 69	May 69	Western Girl Temporary Services	Oakland, CA
Oct. 68	Jan. 69	(on maternity leave)	
Sep. 67	Oct. 68	Kaiser Cement & Gypsum Co. Mr. Loren Olson	300 Lakeside Dr. Oakland, CA
Jun. 67	Sep. 67	I. Magnin (Temporary while waiting for acceptance from Kaiser Cement)	20th & Franklin Oakland, CA
1966	1967	Oakland Army Terminal Freight Rate Div. D. L. Hopkins	Oakland, CA

Attachment #2 (continued)

From	To	Name of Employer & Supervisor	Address
1965	1966	Oakland Army Terminal Freight Rate Div. Lorraine Johnson	Oakland, Ca
1963	1965	"	"
1961	1963	Oakland Army Terminal Export Branch	"
1959	1961	Fort Mason Army Terminal	San Francisco, CA

(From 1959 to 1957 I had continuous service with the Federal Government, I do not have a record of specific dates of job changes.)

Attachment #3

Political Contributions During Past Five Years:

J. Alfred Smith for School Board	$ 70.00	
Kaiser Aluminum (PAC) Payroll Deduction	-$120.00 P/Yr	(1983 & 84)
Mayor Lionel Wilson (Oakland)	$200.00	
Councilmember Marge Gibson	$150.00	(Gipson for Supervisor)
Assemblyman Elihu Harris	$100.00	
Councilmember Frank Ogawa	$125.00	
Councilmember Richard Spees	$150.00	
Councilmember Carter Gilmore	$58.00	
Friends of Tom Bradley	$100.00	
Bay Area Political Action Committee	$250.00	
Friends of Francis White	$100.00	(Peralta School Board)
Friends of Wilson Riles Jr.	$ 50.00	(Oakland City Council)
Friends of Aleta Cannon	$ 50.00	(Oakland City Council)

Senator SIMON. Ms. Dorsett—is it Dorsett or Dorsett?

STATEMENT OF BERYL DORSETT, A NOMINEE TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION

Ms. DORSETT. Dorsett.

Senator SIMON. Like the football player.

Ms. DORSETT. Yes.

Senator SIMON. I notice that Senator D'Amato indicated in his introduction that you were principal of public schools in 1973. Is that accurate or——

Ms. DORSETT. Yes, I have been reassigned and I am now the Assistant Principal of Public School 29 in the Bronx, New York City.

Senator SIMON. You are now an Assistant Principal?

Ms. DORSETT. Assistant Principal, yes.

Senator SIMON. There are those who, in looking at your background, say to move from being an assistant principal to being an administrator of this huge program is a huge jump, and there are those who have contacted us who say real candidly "Ms. Dorsett is a very fine person, but she is not equipped to make this kind of a jump." How would you respond?

Ms. DORSETT. If I can please respond by——

Senator SIMON. Can you pull the mike a little closer to you.

Ms. DORSETT. If I may please respond, Mr. Chairman, with the following statement——

Senator SIMON. Fine.

Ms. DORSETT. Mr. Chairman and members of this Committee, as I come before you I feel that I have indeed reached an apex in my long career as an educator. I would like to share with you the abundant resources I bring to the position for which I have been nominated, Assistant Secretary for Elementary and Secondary Education.

When I came into the educational system 22 years ago as a teacher, I soon became aware that the challenge facing our schools is how to educate the disadvantaged child. My first education molded my philosophy that transcends pedagogy and academia. My basic philosophy is that the disadvantaged children in the American schools, particularly the minority child, can reach his or her maximum potential in our society, if he or she received the proper education.

As I moved upward in my career from a new teacher to a master one, I began to note elements of an effective school. From the classroom, I became a Title I coordinator of a reading program. Two years later, I was the Director of all Chapter 1 programs in the school district, the largest minority district in New York State.

In keeping with the New York State Department of Education standards and Federal guidelines, I wrote proposals and modifications. I was responsible for the sound and fiscal management of more than $10 million, monitored and evaluated programs, remediating skill deficiencies of 20,000 targeted students in 32 schools.

Many innovations were included in our proposals, as I worked along with a nine school member board, superintendents, principals and hundreds of teachers and paraprofessionals. An essential part of the reading program was to reach out into the community, to bring parents into the schools. Our success was incredible.

When 300 to 400 parents joined in activities in individual schools, this kind of parent participation is often unheard of in disadvantaged neighborhoods.

In connection with my position, I was elected the Regional Vice President of the New York State Administrators in Compensatory Education. My duties included the representation of all directors of funded programs in New York City and Long Island. My involvement in Title I and Chapter 1 activities as an education administrator lasted ten years.

Later, I served as Administrative Assistant to the Principal in a junior high school of 1,200 students. I then became Coordinator of Science and Social Studies in a school district with 10,000 children.

In 1986, I was asked to replace a school principal on sabbatical leave from an elementary school. I hadn't realized how my lengthy and varied experience had well prepared me for a school in crisis. The school P.S. 73 in the Bronx Borough of New York, ranked 618 of the 622 elementary schools in New York City. That is four from the bottom based on reading achievement. The school was in total disarray. More than 900 children were in chaos, roaming the dirty, filthy halls, fighting, totally lacking discipline. Little meaningful education was taking place in this school.

As Secretary Bennett stated in a White House Conference on his publication "What Works," there are certain specific characteristics that make a few schools effective in poor areas. These include a strong principal with emphasis on discipline and a safe, orderly environment. Not a single one of these characteristics existed in this school. Totally lacking were instructional leadership and decision-making, and there was little focus on basic skills. The school had become a battleground, with a wounded staff that stayed away as much as possible. It was close to anarchy.

A new sense of collegiality among the teachers attested to the belief that all children can learn. In a matter of weeks, the school was turned around. Of course, I did not do this alone. I had the help of the unions, UFT and CSA, educational and office staff, custodial workers, parent association and school volunteers.

The success of the drastic change in the school supported my conviction that if a single school in these United States, filled with the disadvantaged, can be turned around into an effective one, then every such school can successfully be turned around.

In closing, I would like to state that education is America's first defense. I am proud to be an American. I am even prouder to be nominated to be Assistant Secretary for Elementary and Secondary Education.

Thank you, Mr. Chairman and members of the Committee, for allowing me the opportunity to speak before you. I would be glad to answer any questions.

Senator SIMON. Okay. If I may direct you to my question again, I guess my concern, as I look at Dr. Guiton's background, it is very clear that she has the background for the position that she has been nominated for. I do not mean this disrespectfully to you when I say as I look at your background, it is less clear and——

Ms. **Dorsett**. Well, if I could just explain to you that I have had 22 years of experience as an educator, and I worked in Title I programs, Chapter 1 programs, we had the largest grant in New York State; $10 million. I was responsible for budgeting, planning those programs, managing them, determining which kinds of programs should support the children.

These children, who were the most disadvantaged children in the City of New York had a very, very fine program that was exemplary, noted both by the State Department and the New York City Board of Education. I was totally in charge. I trained my staff, I kept recordkeeping. In fact, it is my managerial skills that I am noted for back in New York City.

As you know, I was acting principal of that school however, I also knew that I was being considered for this position. This is why when I was offered another principalship in the school district, in fact even offered a job as a deputy superintendent in another school district, I declined to take either one of those two jobs. I felt it would not be fair to walk into any position that I might have to leave soon. Therefore, Mr. Chairman, I accepted the position of assistant principal. Actually, there is no job that I have not done well and I have not done with extraordinary effort.

Senator **Simon**. There is no question in my mind that you are a person of good character. I have to say, speaking candidly as one who has to approve these nominations, to move from being an assistant principal to administering a $5 billion program is a huge jump.

I would simply urge you to recognize that that is a huge jump.

Ms. **Dorsett**. Well, may I say sir, that the skills that I have developed will serve me well if confirmed. The term "assistant principal" is a job function that I have assumed and I have done well. My background of 22 years in the educational system I worked, 10 of which were in Chapter 1 programs, has provided a very firm foundation for me and I am confident I can do the job I have been nominated for. My assistant principalship began from February until the present.

I could not have gone backwards in my skills. I have acquired those skills, I still have them, I am known for what I have done for ten years in Chapter 1/Title I. In fact, we had exemplary programs based on my leadership abilities and managerial skills in New York City. I was elected the regional vice president based on that. I represented all the Title I directors in New York City and also in Long Island. There are 32 school districts in New York City, and I was the one that was elected by that body to represent them up in Albany. I went to Albany once a month. I met with Commissioner Ombaugh of Education and all department heads.

I took back the message to the central board of education and to the other directors of funded programs in the City of New York.

[The prepared statement and biographical sketch of Ms. Dorsett follow:]

STATEMENT OF MS. BERYL DORSETT
NOMINATED AS
ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION

SENATE LABOR AND HUMAN RESOURCES COMMITTEE
APRIL 29, 1987

Mr. Chairman and Members of this Committee, as I come before you I feel that I have indeed reached an apex in my long career as an educator. I would like to share with you the abundant resources I bring to the position for which I have been nominated, Assistant Secretary for Elementary and Secondary Education. My personal background and preparation and my practical, on-the-job experience, in the real world of schooling, have all qualified me for the position. Perhaps more important in molding my approach to education is my philosophy that transcends pedagogy and academia. My basic philosophy is that the disadvantaged children in the American schools, particularly the minority child, can reach his or her maximum potential in our society, if he or she receives the proper education.

In my lower middle class family there were strong values, the love and pursuit of education and the belief that nothing can be achieved without great effort. As President Reagan has stated (Secondary Recognition Program, August 27, 1984), "We cannot reach for the future without a firm grasp of basic educational tools and (knowledge) of the importance of traditional values."

When I came into the educational system, twenty-two years ago, as a teacher, I soon became aware that the challenge facing our schools is how to educate the disadvantaged child. If we could meet this challenge, we would understand the fundamental approach to educating any child. As I moved upward in my career from a new teacher, to a master one, I began to note the elements of an effective school.

As I advanced in the system, I became a Title I Project Coordinator of a reading program, servicing 50% of the 35,000 children in the largest district in New York City and the largest minority district in New York State. Within two years I was the Director of all Chapter 1 programs in this district. All of my managerial skills, including writing proposals and modifications, planning and implementing budgets of millions of dollars and organizing and evaluating the programs in each of thirty-two schools, were finely honed as we met the New York State Department of Education standards and Federal guidelines. Many innovations were included in our proposals. For example, there was mandatory training of teachers and auxiliary staff. An essential part of the reading programs was to reach out into the community to bring parents into the schools. Our success was incredible when three to four hundred parents joined in activities in individual schools. This kind of parent participation is often unheard of in disadvantaged neighborhoods.

My activities, outside of my position in the district, included community involvement. I wrote proposals for funds for transportation to expose adolescents to various colleges, such as Howard University and the University of Massachusetts. These youngsters were taught how to seek information and find financial aid and scholarships. Several students gained admission to these colleges as well as several others through this program I had developed.

During this period, in connection with my position, I was elected as Regional Vice President of the New York State Administrators in Compensatory Education. My duties included the representation of all directors of funded programs in New York City and Long Island. In addition to these activities, I conducted a very successful Title I city-wide conference for parents.

In my next position I served as Coordinator of Social Studies and Science. By this time, I had earned the following licenses: Principal of Elementary Schools, Assistant Principal, of Elementary and Junior High Schools, Senior Funded Program Management Instruction Specialist, and Teacher of Junior High School Typing. I also have a New York State Certification as a School Administrator and Supervisor.

In 1986, I was asked to replace a school principal on sabbatical leave from an elementary schools. As I became a master principal, I realized that my lengthy and varied experience had well prepared me for a school in crisis. The school ranked 618 of the 622 elementary schools in New York City -- 4 from the bottom based on reading achievement! The school was in total disarray: more than 900 children in chaos, roaming the dirty halls, fighting, totally lacking controls or discipline. The most tragic of all of the deficits these children suffered were their deficiencies in reading and other curriculum areas, as they remained years below grade level by local and national norms. Little meaningful education was taking place in this school.

As Secretary Bennett stated in a White House Conference on his publication "What Works" (1986), there are certain specific characteristics that make a few schools effective in poor areas.

These include a strong principal with emphasis on discipline, and a safe, orderly environment. Not a single one of these characteristics existed in the school I headed at that time. Totally lacking were instructional leadership and decision making, and there was little focus on basic skills or on any kind of academic achievement. In this vacuum, teachers made inappropriate decisions and often became insubordinate. Malaise and low morale pervaded the staff. The school had become a battleground, with a wounded staff that strayed away as much as possible. It was close to anarchy.

When I came in I emphasized accountability of staff, children and parents; established routines and standards of behavior; setting goals of academic achievement; and raising teachers' expectations of student performance. Parents were encouraged to participate in school activities. Some of our children came from drug-filled homes, and others were abused. Many suffered from the anomalies of society that beset the poor. In all of our plans, we never ignored from whence our children came.

A new sense of collegiality among the teachers attested to the belief that all children can learn. The school was "turned around". Of course, I did not do this alone. Within a few weeks it became a new school, a model school, with the support and help of staff and the unions -- United Federation of Teachers and the Council of Supervisors and Administrators. There was, to my amazement, total involvement and participation of the education staff, custodial workers, office staff, the Parent Association and many volunteers who all seemed to agree on a common goal, to turn that school around. We had become a shared community of learning dedicated to the re-establishment of the purpose of schools and the inculcation of the values of American life. When it was time for the principal to return from sabbatical leave, the parents mobilized with petitions, appeals to the School District and the New York State Commissioner of Education. They had not realized that their school could be changed and they made a strong and united effort to retain me in the position. They even secured media coverage on the six o'clock news. However, the principal had the legal right to return to the school.

The success of the drastic changes in the school supported my conviction that if a single school in these United States, filled with the disadvantaged, can be turned around into an effective achieving one, then every such school can successfully be turned around. I also learned that inherent in a poor school is the failure of all its programs. If the same inadequate teachers teach the children in Chapter 1, those children will make little progress. No matter how much money is poured into such programs, failure accompanies ineffectual schools. To be disadvantaged should not mean one is not treated as a citizen. However, children also need to be taught what it means to be a citizen and to understand that there is a chance for a minority child to rise in the society. I see my role as being an inspiration to such children, to prove that I, a Black woman, have been able to rise from my beginnings.

In closing, I believe in the tenets for change in education as well as the tools needed to implement these changes. I support Secretary Bennett's recommendations for improving education.

We need also to reach out into the community to involve parents who are also disadvantaged, feel powerless and inadequate in changing the education of their children. In many instances we have failed these children, as "A Nation at Risk" has documented. Twenty percent of Americans are functionally illiterate, an incredible and unacceptable figure. If we fully educate everyone, there would be no disadvantaged. Education is America's first defense. I am proud to be an American teacher, and even prouder to have been nominated to be Assistant Secretary for Elementary and Secondary Education.

Thank you Mr. Chairman and Members of this Committee for allowing me the opportunity to testify before you today. I would now be happy to answer any questions you may have.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: DORSETT (LAST) BERYL (FIRST) INNISS (Maiden) (OTHER)

Position to which nominated: Assistant Secretary of Elementary and Secondary Education

Date of nomination: February 25, 1987

Date of birth: 4 (DAY) 8 (MONTH) 40 (YEAR)

Place of birth: New York City

Marital status: Divorced

Full name of spouse: George Harcord Dorsett, Jr. (Divorced 12/1/72)

Name and ages of children:

Desmond Todd Dorsett	20 years (11/7/66)	
Akinsheye Xavier Dorsett	17 years (1/21/70)	

Education:

Institution	Dates attended	Degrees received	Dates of degrees
The City College	7/74-8/74		
Hofstra University	7/74-8/74		
Hunter College	1/65-6/65		
Baruch College	1/63-6/64	BBA	6/17/64
Baruch College	9/60-1/63	AAS	2/1/63
Rider College	9/58-9/60		
Port Jefferson H.S.	9/54-6/58		
Port Jefferson Elementary	9/52-6/54		
Public School 24	9/45-6/52		

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

See pages 1a and 1b for listing of special recognitions for outstanding service and achievement.

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

Organization	Office held (if any)	Dates
Ethical-Fieldston Fund	Board Member	9/83-Present
NAACP, Williamsbridge Branch	none	10/80-Present
Family Youth Survival, Inc.	Secretary	7/79-Present
Bernard M. Baruch College Alumni Assoc.	none	3/79-Present
North Bronx-Westchester Neighborhood	Secretary	12/79-Present
Williamsbridge Club, NANBPW, Clubs, Inc.	Chartered; Life mem. President, 1st V.P.	12/75-Present
NYS Administrators in Compensatory Education	State Vice President	12/81-12/83

Employment record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

See pages 2a and 2b for employment record.

Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above.

None

Published writings: List the titles, publishers and dates of books, articles, reports or other published materials you have written.

None

Political affiliations and activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last five years.

See attached list of memberships, financial contributions and services rendered on page 3a.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

I plan to request a leave of absence without pay from my employment with the New York City Board of Education.

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

I have no specific plans to resume employment with the New York City Board of Education or any other organization.

3. Has a commitment been made to you for employment after you leave Federal service?

I will have reinstatement rights with the New York City Board of Education under a leave of absence, if approved, and under a contract between the Board and the United Federation of Teachers.

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

Yes, most definitely.

Potential conflicts of interest:

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

I will request a leave of absence without pay from the New York City Board of Education. I also have a vested pension in the New York Teachers' Retirement System.

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflicts of interest with the position to which you have been nominated.

See answer to #1.

3. Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

See answer to #1.

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

None.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

I will disqualify myself from participating in matters that specifically relate to the New York City Board of Education or the New York Teachers' Retirement System. The Secretary of Education has approved a waiver under 18 U.S.C. §208(b) that permits me to participate in matters that affect the New York Board generally in the same way that other school districts are affected.

Honors and Awards/continued

PLAQUES

Date	Presentor	Purpose
January 22, 1987	Public School 73 Bronx, New York	In recognition of unselfish commitment, dedication and high standards as Principal
June 12, 1984	NYS Association of Compensatory Educators, Region I	In recognition of devoted service to a dedicated administrator
July 7, 1984	NYS Council of Black Republicans	In recognition of outstanding contributions and support
June 5, 1982	NYS Council of Black Republicans	In recognition of undaunted and untiring efforts
May 29, 1981	Williamsbridge Club of the National Association of Negro Business and Professional Women's Clubs, Inc.	Sojourner Truth Bust (Highest award given by the National Organization for Community Service)
January 20, 1980	Cardiac Diagnostic and General Medical Services, P.C.	For Noble Community Service
May 4, 1980	Bronx Educational Alliance	For outstanding support to School District 9 Parental Workshops
October 6, 1976	Community School District 9	In recognition of outstanding contribution to developing excellence in the teaching of reading
June, 1975	Strengthening Reading Skills Paraprofessionals	For the effort with much diligence and care in the interest of educating children

Honors and awards/continued

CERTIFICATES

Date	Presentor	Purpose
September 27, 1986	Committee of United Nations Activities, National Association of Negro Business and Professional Women's Clubs, Inc.	In appreciation of faithful service in the development and establishments of The Gambia, West Africa, Library Book Project
June, 1985	NYS Council of Black Republicans	1985 Achievement Award for Outstanding Service
December, 1984	NYS Administrators in Compensatory Education	In recognition of outstanding contribution to education
May 29, 1981	Stanley Simon, President Borough of the Bronx	Citation of Merit: In recognition of years of service to the educational community as a teacher, administrator, community advocate and leader.
May 4, 1980	Community School District 9	In recognition of valuable contribution to the 1980 Parent Education Seminar
June, 1980	Community School District 9	In recognition of active participation in the Bilingual Conference
July, 1983	NANBPW Clubs, Inc.	For constructive leadership and invaluable assistance
July 16, 1976	Community School District 9	For outstanding Title I Program in their strictest form

Employment record/continued

DATES				
FROM	TO	Name of Employer	LOCATION OF WORK	TITLE OF JOB
2/87	- Present	NYC Board of Education Public School 229 School District Nine	275 Harlem River Pk. Bridge Bronx, New York 10453	Acting Assistant Principal
9/86	- 1/87	NYC Board of Education Public School 73 School District Nine	1020 Anderson Avenue Bronx, New York 10452	Acting Principal
9/85	- 8/86	NYC Board of Education School District Nine	80 Montgomery Street New York, NY 10002	Coordinator, Social Studies and the GATES Reading Program
8/84	- 8/85	NYC Board of Education Travel Sabbatical Leave from JHS 22	J.H.S. 22 167th & College Avenue Bronx, NY 10456	Travel Sabbatical
5/83	- 7/84	NYC Board of Education JHS 22	J.H.S. 22 167th & College Avenue Bronx, NY 10452	Assistant to the Principal
5/79	- 5/83	NYC Board of Education School District Nine	1377 Jerome Avenue Bronx, NY 10452	Director, ECIA Chapter I/Title I
9/78	- 4/79	NYC Board of Education School District Nine	1377 Jerome Avenue Bronx, N.Y. 10452	Assistant Director, Title I
9/75	- 8/78	NYC Board of Education School District Nine	1377 Jerome Avenue Bronx, NY 10452	Coordinator, Basic Skills Reading Program (Funded by Title I)
9/74	- 8/75	NYC Board of Education School District Nine	1377 Jerome Avenue Bronx, NY 10452	Coordinator, Strengthening Reading Skills (Funded by Title I)
11/73	- 8/74	NYC Board of Education School District Nine	1377 Jerome Avenue Bronx, NY 10452	Coordinator, Project BRAVO Reading Program (Funded by Title I)
2/74 (Part-time)	- 8/74	State University of NY Educational Opportunity Center	2090 Seventh Avenue New York, NY 10027	Adjunct Lecturer, Dept. of Business Education

Employment record/continued

Dates				
From	To	Name of Employer	Location of Work	Title of Job
9/72 -	10/73	NYC Board of Education J.H.S. 22	167th Street & College Ave. Bronx, NY 10456	Teacher/Librarian
Summer, 1983 (Part-time)		NYC Community College Urban Center of Brooklyn State University of New York	470 Vanderbilt Avenue Brooklyn, NY 11238	Instructor of Business Skills
2/70 -	8/73	NYC Board of Education Adult Consumer-Homemaking Education Program	110 Livingston Street Brooklyn, NY 10201	Teacher Assigned
9/69 -	8/72	NYC Board of Education School District Eleven (On Leave for Maternity and Child Care)	Olinville J.H.S. 113 3710 Barnes Avenue Bronx, NY 10467	
10/71 -	8/72	NYC Board of Education Manpower Development Training Program Mid-Manhattan Adult Training Center	212 West 120th Street New York, NY 10027	Instructor
9/67 -	8/69	NYC Board of Education Olinville J.H.S. 113	3710 Barnes Avenue Bronx, NY 10467	Teacher/Regular Substitute
11/66 -	8/67	NYC Board of Education Olinville J.H.S. 113	3710 Barnes Avenue Bronx, NY 10467	Teacher/Per Diem
9/65 -	11/66	NYC Board of Education Olinville J.H.S. 113	3710 Barnes Avenue Bronx, NY 10467	Teacher/Regular
1/65 -	9/65	Kingsbridge Department of Welfare	248 East 161st Street Bronx, NY 10451	Social Investigator
10/64 -	1/65	Melrose Department of Welfare	847 Morris Avenue Bronx, NY 10451	Social Investigator
8/64 -	10/64	International House	500 Riverside Drive New York, NY 10027	Secretary

POLITICAL AFFILIATIONS AND ACTIVITIES

Membership	Offices Held	Contributions	Services Rendered
Reagan-Bush '84 Campaign	National Co-chair, Educators for Reagan-Bush	--	Shared strategies used to form state-wide educators groups; discussed viable, relevant and constructive educational activities, hosted National Co-chair meeting, responded to educational concerns, promoted the President's educational initiatives, disbributed fact sheets.
New York Reagan-Bush '84 Campaign	Chair, New York Educators for Reagan-Bush	$350	Recruited 250 teachers, administrators, school board members, and college professors; organized a PAC--New York Educators for Excellence; manned telephone banks, attended street rallies, parades, receptions; appeared as guest and workshop leader; attended and organized educators Victory '84 fundraiser at Roosevelt Hotel; defended tuition tax credits; awarded outstanding teachers, education administrators and policymakers in area of education; designed campaign teacher buttons; sponsored public opinion forum.
New York Reagan-Bush '84 Campaign	Executive Member, New York/New Jersey Labor Committee	--	Recruited participants for labor rallies, implemented the President's Labor initiatives.
New York Council of Black Republicans	Executive Member	$595	Conference Chair; Summer 1982, 1986; Chair and Co-chair, Registration Committee; Chair, Issues and Resolutions; delegate to Fall and Summer conferences, hosted meetings; implemented mandates, encouraged participation of young Republicans.
National Black Republican Council	Delegate	$150	Attended Board Meetings and Annual Conferences.
New York Republican State Committee	Judicial Alternate Delegate	--	Attended Judicial Delegate meetings.
Edenwald-Williamsbridge Republican Club	Secretary	$350	Organized voter registration drive, supported candidates, initiated fundraisers, conducted workshops, circulated petitions, organized door-to-door literature drop.
National Republican Congressional Committee	None	$130	Congressional Victory Fund Sponsor.
New York Republican Volunteers	None	$125	Participated in voter registration drives, attended fundraisers, meetings, and rallies.

Senator **Simon**. Ms. Daniels, incidentally, Congressman Bill Goodling called and spoke very highly of you. Ms. Daniels, as I look at the Office of Civil Rights in the Department of Education, frankly it has not been a strong office in recent years.

What are you going to be doing to strengthen that, and do you—let me give you a very hypothetical kind of situation. You are in a meeting with Brad Reynolds of the Department of Justice, whose view on the civil rights issues differs appreciably from that of those of us in Congress who believe we ought to be moving on the forefront to enforce the civil rights laws.

Do you believe your background has equipped you to stand up in that kind of a meeting or in a meeting with the Secretary and say we have to be out there championing the cause of minorities.

Ms. **Daniels**. Mr. Chairman, I will answer your question and then I would like to read my statement for the record.

Certainly, I feel that I can meet with Mr. Brad Reynolds. Number one, I know him personally. I have met with him at other times when I agreed and sometimes when I disagreed. So I do feel that there is a dialogue.

I have been in civil rights all my life. I was born in a county in South Carolina, in Bamburg, where a lot of this started long before I was born. I happen to have had a grandmother who was a slave and she lived in our home, so I know civil rights and I know the concerns of the civil rights people. I fought for it. I have walked the streets, so I will certainly meet with Mr. Brad Reynolds.

I know there are times that we will not agree and there are times that we will agree, but I will handle it in a very admirable way. Maybe I will not be on the street corners, but I have learned how to work quietly and behind the scenes to get a job done and I would certainly do that with Mr. Reynolds.

Senator **Simon**. You said you wished to make a statement. Please feel free to do so.

STATEMENT OF LEGREE S. DANIELS, A NOMINEE TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION

Ms. **Daniels**. Mr. Chairman, I am both deeply honored and greatly humbled to appear before you today as the President of the United States' nominee for the post of Assistant Secretary of Education for Civil Rights.

I feel certain that the members of this distinguished Committee understand just how important a moment such as this, an appointment such as this, is for someone like myself who has worked quietly in the vineyards of family, community, and government for the cause of equal justice for my people and for all Americans throughout my adult life.

Like this administration, I am unalterably opposed to discrimination in any form and am committed to enforcement of the civil rights laws and to the ideal of equal opportunity for all Americans. Further, Secretary Bennett has given me his personal commitment to help me enforce the civil rights legislation under the Department's authority with the utmost vigor, to investigate immediately any charges of alleged discrimination and to prosecute to the full extent of the law.

Some members of this Committee might well ask, Mr. Chairman, who is LeGree Daniels. Allow me to respond first with the most basic and personal of facts. I am a 67-year-old woman born in South Carolina, and since then I became a resident of Pennsylvania.

I am married for over thirty years to a very wonderful husband, Oscar, with whom I have been granted the privilege of raising two step-daughters and fifteen foster children. And I might add that one of those boys was taken out of prison and he is now a credit to society.

My grandmother, Carrie Sheppard, was a South Carolina slave, so I really know first-hand all about civil rights.

You will find attached to my statement a brief biographical sketch and other materials related to my life. I am not in the habit of, nor do I feel entirely comfortable, Mr. Chairman, bragging about my record of public and community service. However proud I might be of every moment in that record, I would like instead to use this brief statement as an occasion for highlighting some aspects of my plans, my experiences, and the values that might otherwise not emerge from cold print.

One point is especially important to make at the outset: I expect my office to be in constant, continuous communication with Members of Congress and their staffs and with interested organizations in the civil rights and educational community about the issues for which the Assistant Secretary of Education for Civil Rights has responsibility.

I understand that there have been past occasions of understandable concern to you, Mr. Chairman, where it appeared that the process of exchange and dialogue with OCR had lagged or had not occurred until moments of conflict arose. That will not happen under my tenure.

I have worked in government at the local and State levels sufficiently, and have spent enough time in this town, to recognize the need for a trusting working relationship between the Executive Branch officials, the Congress, and the key constituency groups. I am an administrator who operates according to "the law of no surprises." My life is an open book and also my policy is an open door.

Second, Mr. Chairman, concerns the question of my qualifications, administrative and legal. Managing an extensive staff and dealing with the responsibilities of an Assistant Secretary holds no special anxiety for me after a lifetime of administering organizations, of all sizes and types, in the private sector, national politics, State government and local government.

I have provided this Committee with a full account of that background, but I would call your attention especially to the statement made by one of my employers, Mr. Paul D. Weiss, who is the Director of the Pennsylvania State Tax Equalization Board, who wrote me that more progress toward accurate data and reports toward equity and fairness in promotion, and toward systematizing the market value procedure were made during my tenure as Board member, and I might add as the first black Chairman, than in the agency prior to thirty years of his being connected with that office.

As to my lack of a law degree, I believe that this is not essential. There are many lawyers at OCR. I believe through management skills and good judgment, I can ensure that I use those skills effectively. But accessibility and administrative competence, in the absence of accountability to basic goals, Senator, would not be sufficient recommendation for a nominee to this high post.

I have demonstrated such accountability and commitment to the basic goals for which the Office of Civil Rights was founded. That commitment is not solely to the achievement of full civil rights for black Americans or other groups subjected to discrimination in the United States, either past or present. Nor is it solely the kind of commitment you write headlines about or which is easily quantified. Sometimes, the most important advances are made quietly and are secured amicably, that is, without public hew and cry.

For example, when the children in my community needed a swimming pool, I did not picket city hall. I rolled up my sleeves and, with the help of friends and neighbors and church and community, the children got their pool, and I might add, a $10,000 swimming pool, which now is owned by the community.

As Commissioner of Elections, I had to ensure access for elderly and handicapped persons in our State's polling places. In the last 18 months, we have made Pennsylvania polling places 90 percent accessible for all handicapped and elderly voters.

I am proud of the work as I am on my own behind-the-scenes role in helping to persuade various Senators to work on behalf of what all Americans now honor as Martin Luther King Day.

Third, I want you to know about some specific plans I have for outreach. I will conduct community outreach seminars and awareness training sessions for target populations serviced by the office. I will conduct periodic forums to provide opportunity for exchange among special interest groups and the Office of Civil Rights on key issues affecting equitable educational services. I will participate in national educational seminars to come up with strategies for sustaining and reinforcing the survival of traditionally black colleges.

[The prepared statement and biographical sketch of Ms. Daniels follow:]

STATEMENT OF MRS. LEGREE S. DANIELS

Nominated as Assistant Secretary of Education for Civil Rights

Senate Labor and Human Resources Committee

April 29, 1987

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE.

I am both deeply honored and greatly humbled to appear before you today as the President of the United States' nominee for the post of Assistant Secretary of Education for Civil Rights. I feel certain that the members of this distinguished Committee understand just how important a moment such as this -- and an appointment such as this -- is for someone like myself who has worked quietly in the vineyards of family, community, and government for the cause of equal justice for my people and for all Americans throughout my adult life.

Like this administration, I am unalterably opposed to discrimination in any form and am committed to enforcement of the civil rights laws and to the ideal of equal opportunity for all Americans. Further, Secretary Bennett has given me his personal commitment to help me enforce the civil rights legislation under the Department's authority with the utmost vigor, to investigate immediately any charges of alleged discrimination and to prosecute to the full extent of the law.

Some members of this Committee might well ask, Mr. Chairman, who is Legree Daniels? Allow me to respond first with the most basic and personal of facts. I am sixty-seven years old, raised in South Carolina and since then a resident of Pennsylvania, and married for thirty-eight years to a wonderful husband, Oscar Daniels, with whom I have been granted the privilege of raising two stepdaughters and fifteen foster children. My grandmother, Carrie Sheppard, was a South Carolina slave.

You will find attached to this statement a brief biographical sketch and other materials related to my life. I am not in the habit of -- and I do not feel entirely comfortable -- bragging about my record of public and community service, Mr. Chairman, however proud I might be of every moment in that record. I would like instead to use this brief statement as an occasion for highlighting some aspects of my plans, experiences, and values that might otherwise not emerge from cold print.

One point is especially important to make at the outset. I expect my office to be in constant, continuous communication and with members of Congress and their staffs and with interested organizations in the civil rights and educational community about the issues for which the Assistant Secretary of Education for Civil Rights has responsibility. I understand there have been past occasions, of understandable concern to you, where it appeared that the process of exchange and dialogue with OCR had lagged or had not occurred until moments of conflict arose. That will not happen under my tenure. I have worked in government at the local and state levels sufficiently -- and have spent enough time in this town -- to recognize the need for a trusting working relationship between executive branch officials, the Congress, and key constituency groups. I am an administrator who operates according to "the law of no surprises." My life is an open book; my policy is an open door.

A second point, Mr. Chairman, concerns the question of my qualifications -- administrative and legal. Managing an extensive staff and dealing with the responsibilities of an

Assistant Secretary holds no special anxiety for me after a lifetime of administering organizations, of all sizes and types, in the private sector, national politics, state government, local government, and philanthropy. I have provided this Committee with a full account of that background, but I would call your attention especially to the statement by Mr. Paul D. Weiss, Director of the Pennsylvania State Tax Equalization Board, who wrote me that "more progress toward accurate data and reports, toward equity and fairness in promotion, [and] toward systematizing the market value procedures was made during your tenure as Board member and Chairman than in the agency's prior thirty-three years." As to my lack of law degree, I believe that this is not essential. There are many lawyers at OCR. I believe through management skills and good judgment I can ensure that I use their skills effectively.

But accessibility and administrative competence, in the absence of accountability to basic goals, Senators, would not be sufficient recommendation for a nominee to this high post. I have demonstrated such accountability and commitment to the basic goals for which the Office of Civil Rights was founded. That commitment is not solely to the achievement of full civil rights for ~~B~~black Americans or other groups subjected to discrimination in the United States, past or present. Nor is it solely the kind of commitment you write headlines about or which is easily quantified. Sometimes, the most important advances are made quietly and are secured amicably, that is, without public hew and cry. For example,

- When the black kids in my community needed a swimming pool, I did not picket City Hall, I rolled up my sleeves and -- with the help of my friends, neighbors, church and community -- the kids got their pool.
- As Commissioner for elections, I had to ensure access for elderly and handicapped persons in our state's polling places. In the last 18 months, we have made ninety percent of the polling places accessible to our handicapped and elderly voters.

I am as proud of that work as I am of my own behind-the-scenes role in helping to persuade various Senators to work on behalf of what all Americans now honor as Martin Luther King Day.

Third, I want you to know about some specific plans I have for outreach activities to improve the civil rights enforcement function of OCR:

- Conduct community outreach seminars and awareness training sessions for target populations serviced by the Office.
- Conduct periodic forums to provide opportunity for exchange among special interest groups and the Office for Civil Rights on key issues affecting equitable educational services.
- Participate in national educational seminars to come up with strategies for sustaining and reinforcing the survival of traditionally black colleges.

Let me now comment briefly on the great office which -- with your approval -- I will have the privilege of leading, the Office of Civil Rights. It was created not only to help end segregation in the schools but also to assist in assuring equal educational opportunity for all Americans. You can be assured that I and my staff will work tirelessly to obtain proper enforcement of the four landmark civil rights statutes for which OCR is responsible: Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

I am mindful especially of the present controversy that rages among groups concerned with civil rights enforcement in American education over the Supreme Court's 1984 ruling in Grove City College v. Bell, I am well aware of the deep concern felt by all Senators to assure that the decision does not hinder adequate civil rights enforcement throughout an educational institution.

I urge the committee to swiftly enact the legislation about to be introduced in the Senate and already introduced by Congressman Sensenbrenner in the house, to restore OCR'S jurisdiction to what it was before Grove City and provide coverage under all four relevant statutes -- over an entire educational institution receiving Federal aid.

I am informed that the Department's statistics on the practical effect of Grove City on civil rights enforcement -- and, Mr. Chairman, I am nothing if not a practical person -- show that the last three full fiscal years of the 6,111 complaints which OCR received, 206 (aside from those filed by one individual complainant) were closed for lack of jurisdiction due to that decision. None of these would have been closed if the Administration's bill on the subject had been in effect. I firmly believe that none of these should be closed.

I don't want to overtax your patience by the length of my statement. However, I would share one more thought: Three years (minus a few weeks) ago I participated in Los Angeles in a day-long dialogue sponsored by the Center for the Study of Democratic Institutions to mark the 30th anniversary of the historic 1954 Brown v. Board of Education decision, the basepoint of subsequent progress toward full equality in education in the United States. The dialogue was a landmark occasion itself, attended by a number of figures prominent in the civil rights movement including the original litigants in the case, Linda Brown Smith and her mother, Mrs. Leola Montgomery; several of the lawyers who had worked for the NAACP's Legal Defense Fund in 1954; and many brave fighters for freedom such as your new colleague in the House of Representatives, Congressman John Lewis of Atlanta.

Looking back over the transcript of that memorable day, I found myself drawn, not to my own words, but to those of a fellow panelist, the distinguished Black American and former California State Superintendent of Public Instruction, Wilson Riles. As Mr. Riles began his remarks on that occasion, I would like to conclude my remarks here. He observed that he was "a little surprised to see this discussion deteriorate into a conservative/liberal debate." "I don't think that's the issue" he said: "The older I get, the more I want to see results, and I don't care under which label they are achieved." Mr. Chairman, Members of the Committee, it is in that spirit that I thank you for having listened to me and present myself for your questions.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: DANIELS (LAST) LeGREE (FIRST) S. (OTHER)

Position to which nominated: Asst. Secretary of Education for Civil Rights

Date of nomination: March 20, 1987

Date of birth: 29 (DAY) 2 (MONTH) 1920 (YEAR)

Place of birth: Denmark, S. Car.

Marital status: Married

Full name of spouse: Oscar Daniels

Name and ages of children: None (Two step-daughters and 13 foster children)

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Gillespi High School Philadelphia, PA	1932/ 1936	Diploma	6/36
Temple University Philadelphia, PA	1939	---	---
Temple University Philadelphia, PA (Governor's Management Seminar)	8/5/86 8/8/86	Certificate	8/8/86
Lincoln Business School 1939-1940			
State Government Training Courses, Supervisory and Management, and Courses in Travel (AAA) and Notary Public work			

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

May 24, 1985, declared LeGree Daniels Day by Mayor of City of Harrisburg for acts of volunteerism, commitment and concern if and for the City of Harrisburg, PA.

1985 - Women's National Republican Club Award for outstanding achievement in the field of Black Politics.

1984 - National Council of Republican Women Award for Outstanding Woman in Republican Politics.

Legion of Honor membership, Chapel of the Four Chaplains, Philadelphia, PA

Received Citations from both the Pennsylvania House of Representatives and the Pennsylvania State Senate

1970 - Certificate of Appreciation for twenty-nine years of Government Service from the Secretary of Revenue.

Who's Who in American Politics

Honored by Order of the Eastern Star on local and state-wide basis.

1983 - Hbg. Club, Frontiers, Int'l, in recognition of distinguished and generous service in human relations

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

Organization	Office held (if any)	Dates
Esther Chapter #1, O.E.S.	Worthy Matron	1968
YWCA, Harrisburg, PA	Membership Chairman	1984
Tri-County Mental Health Assn.	Bd. Member	1980-1985
Recreation Bd. of Susq.Twp.	Member	
Advisory Board Hbg. Hospital	Former Member	
Edgemont Community Association	Member	
Harrisburg Branch of NAACP	Member	
Dauphin County Urban League	Member	
Tri-County Comm. for Community Action	Delegate from Susq. Twp.	
Family and Children's Serv.,Hbg., Homemakers	Former Member of Board Former Member of Board	
Advisory Board of Polyclinic Medical Center,	Former Member	
Hemilton Health Center	Board Member	

Employment record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

10/86-3/18/87 Deputy Secretary of the Commonwealth of Pennsylvania, Harrisburg, PA.

4/86-3/18/87 Commissioner, Bureau of Elections, Department of State, Commonwealth of Pennsylvania, Harrisburg,PA

81-86 Pennsylvania Tax Equalization Board, assumed Chairmanship in 1985, Harrisburg, PA

76-82 AAA Central Pennsylvania Auto Club, Harrisburg, PA Member Services Division, Domestic Travel Dept., Travel Agent and Notary Public

74-76 U. S. Senator Hugh Scott, Harrisburg Office, Staff Assistant -- Liaison between Harrisburg & Wash. offices

70-74 AAA Central Pa. Auto Club, Harrisburg, PA - Member Services Division, Domestic Travel Dept., Travel Agent

41-70 Bureau of Motor Vehicles, Title Division, Department of Revenue, Commonwealth of PA - 27 years as Examiner (first Black Examiner in the State of PA), and 3 years as Asst. Supervisor, Correspndence Division.

Government experience:

List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above.

April 5, 1983, appointed Member of the Advisory Committee for Trade Negotiations by President Reagan for the period of two years.

4/82-7/82 - U.S.Dept. of Trans., Urban Mass Trans. Adm., Special Project

Member of the President's Commission on White House Fellows, appointed in 1985.

*Member, Middle Atlantic Advisory Board U.S. Civil Rights Commission

Published writings:

List the titles, publishers and dates of books, articles, reports or other published materials you have written.

Political affiliations and activities:

List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last five years.

Former Secretary, Republican State Committee of Pennsylvania
Republican Committeewoman, Third Ward, Susquehanna Township, Dauphin County, Pennsylvania
Director and Member of Policy Committee, PA Council of Republican Women
Founder and Member, Germantown Council of Republican Women, Philadelphia, PA.
Member and Advisor, Pennsylvania Black Republican Council
Member, Executive Committee, Republican National Committee
Former Chairman, National Black Republican Council
Former Member, Finance Committee of the Republican State Committee.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

I have already done so.

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

No.

3. Has a commitment been made to you for employment after you leave Federal service?

No.

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

Yes.

Potential conflicts of interest:

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

I have a vested pension interest in the State of Pennsylvania Employees Retirement System.

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflcts of interest with the position to which you have been nominated.

See #1.

3. Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

See #1.

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

None.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

I intend to disqualify myself from participating in matters that relate specifically to the Government of the State of Pennsylvania, or its Retirement System. I understand that the Secretary of Education will be asked to approve a waiver under 18 U.S.C. §208(b) that will allow me to participate in matters that affect the State of Pennsylvania generally in the same way that other States are affected.

Senator SIMON. Thank you, Ms. Daniels.

I note the presence of Senator Specter from Pennsylvania. We are pleased to have him join us. Do you have a statement to make at this point, Senator?

STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SPECTER. Thank you very much, Mr. Chairman. I regret not being here earlier, but the hearings are being held contemporaneously with this hearing on the ABM Treaty and I have been in attendance there since 10:00 o'clock.

I did want to join briefly with my colleague, Senator Heinz, earlier to introduce Ms. Daniels and to attest to her qualifications. She has been an activist in the field of civil rights. She has been a great community leader. She has been a great public servant. I have known her for the better part of two decades. She looks younger than that, but I can attest to that.

She is a Pennsylvanian. She has held key offices and key positions and I would not expect her nomination to be contested but I did want to come and add my full support and affirm her high degree of qualification, her reputation and integrity and her excellence in the field.

I think the issue of the ABM Treaty is a great deal more controversial, so if I may be excused I am going to return to those hearings.

Senator SIMON. All right. We thank you, Senator.

Senator SPECTER. Senator Simon is involved in those hearings as well and we have to divide up the workload.

Senator SIMON. Thank you very, very much.

Ms. Daniels, there is no question about your motivation and that your background is a rich one. You are going to be in this area of enforcement of civil rights, and apparently that enforcement is a new field for you. A lot of us tackle new fields, but you are tackling a particularly difficult area.

If I may quote from a letter from a highly respected lobbyist for the NAACP, Althea Simmons, she says, "We are particularly concerned about the enforcement of civil rights. The Office of Civil Rights has been notably derelict in its responsibility to enforce civil rights laws." Ms. Simmons speaks I think for many of us, and when she says that is the impression that she has on the Office of Civil Rights, if I may be very specific, a letter was just sent recently by the Acting Director of the Office of Civil Rights closing some 700 special education cases in the State of Pennsylvania, your State. Are you aware of that situation and, if you are, would you review this immediately to see if in fact the law is being enforced and justice is being done for these people?

Ms. DANIELS. First, Mr. Chairman, I was not aware of that. Can you imagine that there are a number of areas and issues that I must become more intimately familiar with, and some of the subject matter that, as of this moment, I have not had the opportunity to study but, if confirmed, yes, of course I must give this question my immediate attention and many others that are of top priority.

But I will answer it and I can assure you that it will get my immediate attention. I will see that you get an answer immediately upon confirmation.

[The letter referred to follows:]

U.S. DEPARTMENT OF EDUCATION
3535 MARKET STREET. P.O. BOX 13716
PHILADELPHIA. PENNSYLVANIA 19101

REGION III

OFFICE FOR
CIVIL RIGHTS

FEB 9 1987

Our Ref: #03861100

Ms.

, Pennsylvania

Dear Ms.

This letter is to inform you that the Office for Civil Rights (OCR) will close your complaint against the School District (MSSD) as of the date of this letter. OCR has authority to investigate complaints of discrimination only in programs and activities that receive Federal financial assistance from the Department of Education. We have carefully reviewed the Federal financial assistance received by the district and have determined that the alleged discrimination about which you complained occurred in programs or activities that are not funded by the Department of Education. Therefore, we do not have jurisdiction over those programs.

We have determined that the Intermediate Unit # (IU #), which encompasses the SD receives Federal financial assistance from the Department of Education for special education programs. Be assured that we will open an investigation of your complaint against the Intermediate Unit # (IU #). Since the district housed the special education program operated by IU # , any subsequent remedies will impact upon it.

Thank you for your cooperation. If you have any questions concerning the matter discussed, please do not hesitate to call Mr. Theodore C. Nixon, Director, Education and Secondary Education Division, at (215) 596-6740.

Sincerely,

R. A. Smallwood

Dr Robert A. Smallwood
Regional Civil Rights Director
Region III

([redacted])

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out

Senator SIMON. Incidentally, we will submit in the case of both Ms. Dorsett and Ms. Daniels, and we may in the case of a member who has a question for Dr. Guiton, submit additional questions that we would like answered before the Committee moves ahead. I guess we would like that assurance from you, Ms. Daniels, that there will be an immediate review.

Ms. DANIELS. There will be.

Senator SIMON. One of the other areas where we need legislative action and where we need leadership on the part of your office is to reverse the Grove City decision. I assume you are familiar with that decision. I hope we can move as quickly as possible to strengthen our civil rights laws that basically have been weakened by that decision. Do you have any observations or comments on that?

Ms. DANIELS. Well, first, I would like to say that I support the administration's bill that would reverse the decision to pre-Grove City, before the Supreme Court decision. Sir, I will tell you frankly now that I will support whichever bill comes out, because we do need to investigate and I will make certain that I have addressed the issues and I will even be up here on the Hill trying to work with your aides as well as you to make certain that we get this off the books so that we can investigate where discrimination is alleged.

Senator SIMON. Let me just add, as a way of general comment, Ms. Daniels, you are taking on a tremendous responsibility and I sense that you, even though on paper you have not had a lot of background in the enforcement of civil rights, that you have the get-up-and-go, if I can use an old Southern Illinois phrase, to move and to move vigorously. That is exactly what it will require and it may require that you stand up to some people very high in government as you defend the rights of people whose rights need to be defended. You would not hesitate to do that?

Ms. DANIELS. Sir, I would not only not hesitate, I have never hesitated in the past. I believe in the art of compromising but I never believe in compromising my principles and I will fight for what I believe in.

Senator SIMON. We thank you.

[Responses of the nominees to additional questions submitted to them by members of the committee follow:]

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY FOR LEGISLATION

May 20, 1987

Honorable Paul Simon
United States Senate
Washington, D.C. 20510

Dear Senator Simon:

Per your letter of April 30, 1987, I have enclosed answers to the questions which Senator Kennedy and you asked Legree Daniels to answer as a result of the Committee's hearing on April 29th on her nomination to be Assistant Secretary for Civil Rights.

I hope you will let me know if you need additional information about Ms. Daniels or the other nominees.

Sincerely,

Frances Norris
Assistant Secretary

Enclosure

1. Q. LeGree S. Daniels

Concern has been expressed regarding your qualifications for the position of Assistant Secretary of Education for Civil Rights. Specifically, that she does not possess a baccalaureate degree, nor does she have a law degree nor a legal background.

In your prepared statement and in response to a question, you indicated that your lack of a law degree is not a handicap for serving as Assistant Secretary.

HOW CAN YOU COMPENSATE FOR NOT HAVING A LEGAL BACKGROUND? DOES ANY OF YOUR PAST EXPERIENCE PLACE EMPHASIS ON UNDERSTANDING OR WORKING WITH LEGAL CASES OR CONCEPTS THAT MAY BE RELEVANT TO THE POSITION OF ASSISTANT SECRETARY FOR THE OFFICE OF CIVIL RIGHTS?

A. The Office for Civil Rights has over 800 employees, and the position of Assistant Secretary requires management skills. I have the necessary management skills. In my most recent position as Deputy Secretary of State of Pennsylvania, I managed a staff of over 700 in the absence of the Secretary.

I do not believe having a law degree is necessary as I expect to be able to use effectively the extensive legal resources available to the Assistant Secretary. This is precisely what I did as the Pennsylvania Commissioner of Elections and Legislation. I believe that I can understand the fundamental legal concepts involved in this position.

I will apply the seasoned judgement and management skills I have developed in my 67 years of life experience and professional work experience. I bring with me the skills and the commitment to ensure that the law is carried out effectively.

2. Q. PLEASE COMMENT ON YOUR GENERAL FITNESS FOR THIS POSITION?

A. I have a lifetime of experience administering organizations of all sizes and types in the private sector, national politics, state government, local government, and philanthropy. I have provided this Committee with a full account of that background, but I would call your attention especially to the statement by Mr. Paul D. Weiss, Director of the Pennsylvania State Tax Equalization Board, who wrote me that "more progress toward accurate data and reports, toward equity and fairness in promotion, (and) toward systemizing the market value procedures was made during your tenure as Board member and Chairman than in the agency's prior thirty-three years." This position, which needed state Senate confirmation, required me to develop expertise in a new subject area. I expect that my performance in this new position will be even more successful than my performance on the Tax Equalization Board.

3. Q. THE POSITION OF ASSISTANT SECRETARY FOR CIVIL RIGHTS IS ONE OF THE THREE MOST IMPORTANT CIVIL RIGHTS ENFORCEMENT JOBS IN THE FEDERAL GOVERNMENT. I SEE NOTHING IN YOUR BACKGROUND INDICATING THAT YOU HAVE EXPERIENCE ENFORCING CIVIL RIGHTS LAWS. [illegible] A TOTALLY INEXPERIENCED PERSON FOR SUCH AN IMPORTANT POSITION INVOLVING THE PROTECTION OF THE RIGHTS OF WOMEN, MINORITIES AND THE HANDICAPPED?

A. I have spent my whole life in government and politics, running a multitude of different organizations and being a pioneer for minority causes long before there were laws on the books to protect us in civil rights.

I believe each individual can, and should, make a personal contribution to our society. The position of Assistant Secretary for Civil Rights would offer me an opportunity to evaluate first-hand issues facing this country as they pertain to civil rights, and to participate in the problem-solving process.

The major strengths I will bring to this position are the knowledge that I will have a positive impact on the office -- a genuine and deep concern for civil rights -- and a keen desire to undertake this challenge. I have demonstrated my interest in government and have proved to be an effective leader. I take pride in tackling complex issues affecting my community, state and Federal government.

As you know, I submitted a detailed background vitae to the Committee. I would like to take this opportunity to highlight some of that information.

- I was the first Black to become an Examiner and later a supervisor in the Bureau of Motor Vehicles, PA Department of Revenue.

- For the past eight years, I have represented Susquehanna Township on the Tri-County Commission for Community Action. One of our major accomplishments was the establishment of a community center which distributed food, clothing, and emergency shelter to the needy.

My formal experience with Civil Rights organizations and issues includes serving on the following:

- U.S. Commission on Civil Rights Advisory Board. As a member since 1981 my primary interests have been the equal rights of women as it related to school superintendencies in the State of Pennsylvania.

- Two-time delegate to the White House Conference on Aging. I represented Pennsylvania and am still a member of the Dauphin County Commission on Aging.

- On the voter registration board of the Joint Center for Political Studies.

- On the Board of National Coalition of Black Voter Participation. (I believe that voting and voter registration is one of our basic civil rights issues).

- The Pennsylvania Martin Luther King Commission.

- I am a life-long member of the NAACP and the Urban League.

I have worked on issues involving the handicapped. I helped to establish the guidelines for the 67 counties in Pennsylvania and was extremely pleased that, as a result of our efforts, nearly 90% of the state's polling places are accessible to the handicapped and elderly voters far ahead of the required Federal timeframe.

I also worked to obtain the votes of reluctant Senators for establishment of the Federal holiday to honor Martin Luther King.

My commitment to enforcement of civil rights is total. My managerial skills will be used to ensure that this enforcement is the most effective and timely ever.

4. Q. Title VI of the Civil Rights Act, which prohibits discrimination based on race, color and national origin in any federally assisted program or activity, is one of the laws that the Assistant Secretary must understand and interpret.

WOULD A SCHOOL DISTRICT BE IN VIOLATION OF TITLE VI IF, DURING THE PERIOD OF DESEGREGATION, IT SIGNIFICANTLY DECREASES ITS PROPORTION OF MINORITY STUDENTS?

A. I believe that OCR should investigate any significant decline in minority enrollment. Although statistical data is clearly important, it is paramount that it be considered in the proper context,and statistical data alone does not conclusively establish compliance with or violation of civil rights laws such as Title VI.

5. Q. WHAT ARE THE APPROPRIATE STANDARDS OF COMPARISON TO DETERMINE WHETHER A SCHOOL SYSTEM HAS DISCRIMINATED IN ITS EMPLOYMENT OF TEACHERS AND ADMINISTRATORS?

A. Defining the appropriate standards of comparison in deciding whether a school system has discriminated in the employment of teachers and administrators is a difficult task.

It is my understanding that there have been court decisions on this matter and that OCR has general guidelines that are used in reviewing employment discrimination complaints.

As I stated in my answer to question 4, it is my belief that statistical data is not the only relevant information and must be considered in the proper context in determining compliance with or violation of civil rights laws. I expect to study this issue in depth once I am confirmed. In any event, it is my commitment to Congress that, if confirmed, I will fully enforce the law that applies in these cases.

6. Q. IS A COMPARISON OF THE PERCENTAGE OF MINORITY ADMINISTRATORS AND TEACHERS IN THE SCHOOL SYSTEM WITH THE PERCENTAGE OF MINORITY STUDENTS IN THE SCHOOL SYSTEM AN APPROPRIATE STANDARD?

A. As I indicated in answer to the prior question, determining the proper standard of comparison in such cases is most difficult. Again, I believe that, in any event,statistical data such as this must be considered in the proper context in determining compliance with or violation of the Civil Rights laws.

7. Q. Much attention recently has been directed toward athletic programs of school districts as they relate to female sports.

WHAT STANDARDS SHOULD BE USED TO DETERMINE IF THE SPORTS AND THE LEVELS OF COMPETITION OFFERED BY A SCHOOL DISTRICT RESULTS IN EQUALLY EFFECTIVE ACCOMMODATION OF THE ATHLETIC INTERESTS AND ABILITIES OF EACH SEX?

A. It is my understanding that OCR considers many factors in evaluating the accommodation of athletics interests and abilities including:

* The ratio of male and female students enrolled at an institution as compared to the ratio of male and female participants in the athletics program;
* the sports presently offered;
* the number of teams for each sport;
* the levels of competition available to each sex;
* participation in intramural or club sports programs, community sports programs, and elective courses;
* any expressed interest by students or staff through interviews or surveys.

I believe it is appropriate to consider such factors.

8. Q. WHAT IN YOUR VIEW IS AN APPROPRIATE REMEDY FOR A FAILURE T ACCOMMODATE, IN AN EQUALLY EFFECTIVE MANNER, THE ATHLETIC INTERESTS AND ABILITIES OF EACH SEX?

A. An appropriate remedy, short of withholding Federal funds, is for OCR to require an educational institution that fails to accommodate the athletic interests and abilities of students in an equally effective manner to develop a plan for determining the athletic interests and abilities of students and implementing a program responsive to those interests. OCR would monitor the plan to insure its implementation. Failure to implement the plan would lead to an investigation which could result in a cut-off of funds or referral to the Justice Department.

Probably the simplest and clearest way for an institution to make this determination of interests and abilities is to conduct a survey of all students or a random sample of students. A survey should be properly drafted to allow the students to write in sports selections and levels of competition perhaps not presently offered at the institution. The results of this survey should enable an institution to identify and respond to the sports and levels of competition in which students are most interested.

9. Q. The integrity of OCR is under question given the recent disclosures of backdating discrimination complaints in order to meet the Adams requirement for timeliness.

Concern has also risen regarding the substantially decreased number of complaints being investigated by OCR. Members of the handicapped community believe that the reason for the decline is the failure of OCR to complete action on difficult cases.

PLEASE COMMENT ON THE RECENT ADMISSION BY THE DEPARTMENT OF EDUCATION THAT DISCRIMINATION COMPLAINTS WERE BACKDATED IN ORDER TO MEET CERTAIN TIMELINE REQUIREMENTS. WHAT WOULD YOU DO TO PREVENT THIS FROM HAPPENING AGAIN?

A. If confirmed, I will work diligently to ensure that this situation does not happen again.

Specifically, I intend to review all of the management measures taken by the Acting Assistant Secretary and satisfy myself that these are sufficient to prevent any recurrence of such wrongdoing -- whether backdating or improper tolling.

As to the concerns raised by the handicapped community about decreased complaint investigation by OCR, I plan to look closely at this issue and ensure that OCR completes action on all cases however difficult. If these concerns refer to cases closed because of Grove City, I understand that no cases would be closed for Grove City reasons if legislation in the form of H.R. 1881 had been enacted. This is why I believe it is so important for such legislation to be passed, so that OCR may investigate Civil Rights complaints as it had done prior to the Grove City decision.

10. Q. A NUMBER OF CHICAGO CASES UNDER THE JURISDICTION OF THE DEPARTMENT OF EDUCATION'S CIVIL RIGHTS OFFICE HAVE BEEN, I AM TOLD, SITTING IN THE OCR FOR SEVERAL YEARS. DO YOU VIEW THIS AS A WIDESPREAD PROBLEM AND HOW WOULD YOU ALLEVIATE THE BACKLOG OF CASES?

A. I don't believe there is a big backlog of cases at any level. The only case that I am aware of is a Section 504 investigation of alleged failure by Chicago to prepare individual educational plans for handicapped children within a reasonable period of time. As a result, several months ago OCR began administrative enforcement proceedings to cut off eligibility for most of the education funds received by the City of Chicago. I plan to visit all of the regional offices, including Chicago. Knowing of your concern in this matter, I would be glad to meet with you to let you know my evaluation and intended course of action, subsequent to my confirmation and review of this matter.

11. Q. In your written statement, you state with respect to the decision of the U.S. Supreme Court in Grove City College v. Bell "I urge the committee to swiftly enact the legislation about to be introduced in the Senate and already introduced by Congressman Sensenbrenner in the House (sic), to restore OCR's jurisdiction to what it was before Grove City and provide coverage under all four relevant statutes -- over an entire educational institution receiving Federal aid."

DO YOU OPPOSE ENACTMENT OF S. 557? IF SO, WHY? IF YOUR ANSWER IS YES, PLEASE ARTICULATE AND EXPLAIN YOUR REASONS.

A. I support enactment of H.R. 1881. It would return the enforcement of the civil rights laws with respect to education to the status that existed the day before the Grove City decision.

Education is the area in which there have been problems due to the Grove City decision. I am informed, however, that no OCR cases would have been closed for lack of jurisdiction due to Grove City if H.R. 1881 or its predecessor S. 272 had been enacted.

S. 557 does not contain the "abortion neutral" language and the necessary updated "religious tenets" language of the Administration bill. As importantly, S. 557 would expand civil rights coverage beyond what it was before the Grove City case.

Under S. 557, institutions opposing abortion on moral or religious grounds would be guilty of sex discrimination if they failed to include abortion or abortion related services as part of an inclusive health insurance plan. Institutions should not have to perform or pay for abortions or provide abortion services in student health insurance programs in order to receive Federal financial assistance.

S. 557's Title IX "religious tenets" exemption is also not consistent with current administration of religious educational institutions. Many schools and colleges are very concerned about this part of the bill and fear that the current S. 557 exemption would not adequately protect many educational institutions.

S. 557 is more than a "restoration" bill. It would expand coverage far beyond what existed prior to Grove City. Receipt of any Federal assistance could confer jurisdiction automatically over an entire State department or agency, or private corporation.

12. Q. During the past five years, there has been a dramatic decline in OCR's provision of technical assistance. This has occurred at the same time that OCR has had ample funds and has, in fact, returned unused funds to the Treasury.

In your testimony, you stress the importance of outreach activities and discusses her plans to improve such activities at OCR.

DO YOU REGARD THE PROVISION OF TECHNICAL ASSISTANCE AS AN INTEGRAL FUNCTION OF OCR? IF SO, WHAT PROGRAMS WOULD YOU DEVELOP TO ENHANCE TECHNICAL ASSISTANCE? ARE YOU WILLING TO RE-CONSIDER THE POLICY THAT EXISTED PRIOR TO 1982 OF CONTRACTING WITH EXPERTS IN THE FIELD TO PROVIDE TECHNICAL ASSISTANCE SINCE THE CURRENT "IN-HOUSE" POLICY DOES NOT APPEAR TO BE A SUCCESS?

A. Yes, technical assistance is an integral function of OCR. I understand OCR has made it a high priority. Through technical assistance, OCR may be able to reach a greater number of recipients and beneficiaries than through complaint investigations or compliance reviews.

I am informed that in the past year, OCR initiated a variety of technical assistance outreach activities to increase public knowledge of civil rights protections and responsibilities.

I intend to make technical assistance a high priority by encouraging the regional offices to conduct more outreach activities and sending technical assistance support teams from OCR headquarters to the regional offices to assist them in developing technical assistance work plans.

13. Q. Section 504 of the Rehabilitation Act is a key law that is covered by OCR.

DOES SECTION 504 OF THE REHABILITATION ACT REQUIRE THAT A HANDICAP CHILD RECEIVE A FREE APPROPRIATE PUBLIC EDUCATION? DOES THAT INCLUDE, AS THE REGULATIONS NOW REQUIRE, THE RIGHT TO ROOM AND BOARD IN A RESIDENTIAL PLACEMENT?

A. Yes. The Section 504 regulations require that a handicapped child receive a free, appropriate, public education. If it is determined that a residential placement is appropriate for a handicapped child, that placement, as any other, must be at no cost to the parents.

14. Q. WHAT IS YOUR UNDERSTANDING OF THE RELATIONSHIP BETWEEN P.L. 94-142 AND SECTION 504 IN PROTECTING THE RIGHTS OF HANDICAPPED CHILDREN? WILL YOU ATTEMPT TO IMPROVE, REFINE, OR CHANGE IN ANY WAY THE RELATIONSHIP OF OCR AND THE OFFICE OF SPECIAL EDUCATION PROGRAMS IN HANDLING SPECIAL EDUCATION CASES?

A. It is my understanding that there are both differences and similarities between the requirements of the two laws. P.L. 94-142 is a funding statute that mandates what kind of programs states and local education agencies must provide in order to receive funds. Section 504 is a civil rights statute that prohibits discrimination on the basis of handicap. The two statutes also cover different categories of children. Public Law 94-142 only covers those handicapped children who, because of their handicap, are in need of special education. Section 504 also covers other children, such as children who need special assistance because of physical handicap, but who may not need "special education" and may be subjected to discrimination because of their handicap.

Both P.L. 94-142 and the regulations under Section 504 require a free, appropriate, public education for handicapped children; and both set out very similar requirements regarding how that must be done.

I understand that a draft Memorandum of Understanding is being developed by OCR and the Office of Special Education and Rehabilitation Services. Its purpose is to facilitate cooperation and coordination between the offices. I intend to make completion and implementation of such an agreement one of my top priorities should I be confirmed for the position of Assistant Secretary.

15. Q. This is a hypothetical situation.

CONGRESS PASSES THE CIVIL RIGHTS RESTORATION ACT AND REJECTS THE ADMINISTRATION'S POSITION ON TWO ESSENTIAL POINTS: 1) ALL FOUR MAJOR CIVIL RIGHTS STATUTES (NOT JUST TITLE IX) ARE AMENDED; AND 2) CURRENT RELIGIOUS TENET EXEMPTIONS AND THE 1975 TITLE IX REGULATIONS ARE RETAINED (AS THEY WERE IN EFFECT PRIOR TO THE GROVE CITY COLLEGE DECISION.)

YOU AND THE ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS AT THE DEPARTMENT OF JUSTICE ARE MEETING WITH THE PRESIDENT TO DISCUSS WHETHER HE SHOULD SIGN THE BILL. A COMPROMISE ON THE ABORTION QUESTION INCLUDED IN THE BILL, WOULD NOT REQUIRE A COLLEGE OR UNIVERSITY TO INCLUDE ABORTION SERVICES IN ITS HEALTH PLAN FOR FACULTY, STAFF AND STUDENTS: NOR WILL UNIVERSITY HOSPITALS BE REQUIRED TO PROVIDE ABORTION SERVICES.

WHAT ARGUMENTS WOULD YOU MAKE TO ENCOURAGE THE PRESIDENT TO SIGN THE BILL?

A. I understand that the bills to overturn the *Grove City* decision supported by the Administration in *both* the 99th Congress (S. 272) and the 100th Congress (H.R. 1881) would amend *all four* civil rights statutes and apply institution-wide in educational institutions. H.R. 1881 includes abortion neutral and religious tenets provisions similar to those passed by the House Education and Labor Committee in 1985 and 1986. I support those amendments.

However, under your hypothetical situation, affiliated hospitals off-campus and other entities which are not universities or colleges, such as corporations receiving education funds, would be required to perform or pay for abortions or provide abortion coverage in their health insurance programs. Many colleges and universities are equally or more concerned about the adequacy of the current religious tenets exemption. For these reasons, I could not recommend in good conscience that the President sign a bill that did not include the abortion neutral or religious tenets provisions in the Administration's bill and that broadened coverage beyond that which existed before Grove City.

QUESTIONS FOR LEGREE DANIELS

1. Q. Please describe the nature and background of your experience in making or administering civil rights laws.

A. I have lived civil rights all my life since I was born in South Carolina 67 years ago.

I have tried to be a role model for others. For example, I was the first Black woman member of the Pennsylvania Tax Equalization Board. As in my work to preserve Executive Order 11246, I have stood up for Civil Rights principles in which I believe. While I believe in compromise, I won't compromise on my principles.

My formal experience with Civil Rights organizations and issues includes serving on the following:

- U.S. Commission on Civil Rights Advisory Board.
- Two-time delegate to the White House Conference on Aging.
- On the voter registration board of the Joint Center for Political Studies.
- On the Board of National Coalition of Black Voter Participation. (I believe that voting and voter registration is one of our basic civil rights issues).
- The Pennyslvania Martin Luther King Commission.
- I am a life-long member of the NAACP and the Urban League.

I have worked on issues involving the handicapped. I helped to establish the guidelines for the 67 counties in Pennsylvania and was extremely pleased that, as a result of our efforts, nearly 90% of the state's polling places are accessible to the handicapped and elderly voters far ahead of the required Federal timeframe.

I also worked to obtain the votes of reluctant Senators for establishment of the Federal holiday to honor Martin Luther King.

2. Q. What do you believe are the primary goals of the Office for Civil Rights?

A. The primary goals of the Office for Civil Rights are to enforce the four civil rights laws to ensure an equal opportunity for education for all people. This is best achieved by a strong enforcement program that utilizes all of OCR's resources to ensure that federal funds are not spent in a discriminatory manner. Also, I intend to work with interested groups, Congress and colleagues in government to make sure that all views are considered.

While I view enforcement of the laws as my most important duty, I also see another important side to this office: the human side. The human side is people working to improve the life of other people. This is why I have dedicated my life to public service. I believe I have made a difference and I feel I can make a difference as Assistant Secretary.

I found that sometimes the changes we want don't occur as quickly as we would like them to, but I also know change does eventually occur when people dedicate their time and effort to bringing about change. I am one of those people. I will listen but I will also criticize, encourage and cajole and I will get people to work together.

3. Q. What will be your top priorities for the Office for Civil Rights, if you are confirmed?

A. My top priorities for the Office for Civil Rights will be to manage the office so that the enforcement of the civil rights laws is the most effective and timely ever and no one under OCR's jurisdiction is discriminated against. I operate on the "principle of no surprises". I will have an open door policy with an ongoing dialogue with all those who are interested in the work of the Office for Civil Rights and will give full consideration to all views.

As you know from reading the statement I gave at the confirmation hearing, I mentioned some of the plans I will further if confirmed as Assistant Secretary. Let me mention them again briefly:

-- I plan to be a visible Assistant Secretary. I look forward to meeting with any group interested in Civil Rights. I plan to have an open door to anyone.

-- I feel very strongly about sustaining and reinforcing the survival of traditional Black colleges. I would hope to have a positive influence on this.

-- I intend to engage in energetic outreach activities such as conducting community seminars, periodic forums with special interest groups, and national seminars with national education experts.

More importantly though, I hope, not only to strengthen, but also to build upon the many gains made by minorities and women in this country in the past two decades.

4. Q. What is the Office for Civil Rights' role with respect to school desegregation?

A. After the proper complaint investigation or compliance review, the Office for Civil Rights in school desegregation cases may issue a finding that a school district or state higher education system is violating Title VI of the Civil Rights Act of 1964 and its implementing regulations. A violation finding is based upon the results of the OCR compliance review or complaint investigation.

OCR is required to attempt to negotiate with the school district or state higher education system to develop a plan that corrects the violations of Title VI. The corrective action plan is monitored by OCR until the violation is corrected. If the violation is not corrected or if negotiations fail to produce an acceptable plan, OCR takes enforcement action either through administrative proceedings to terminate federal funding or referral to the Department of Justice.

OCR's precise role in school desegregation depends upon the terms of the corrective action plan. OCR negotiated 14 state higher education system desegregation plans, 10 of which recently expired and are being evaluated. OCR also is required to certify that applicants for magnet school funds are in compliance with Title VI. OCR also cooperates with the Department of Justice in those cases where the United States is a party to litigation that has resulted in a court ordered desegregation plan.

5. Q. What are the Office for Civil Rights' responsibilities for limited English proficient students under Title VI of the Civil Rights Act of 1964? Do you see this role changing?

A. The Office for Civil Rights is responsible for ensuring that limited English proficient students are not discriminated against on the basis of national origin. I will of course enforce the Lau decision, which held that schools have a responsibility to take affirmative steps to help students who don't speak English.

I believe that OCR should not require a school district to use any one type of teaching method. School districts should be free to adopt any method that they believe is effective as long as it complies with the Lau decision. Although I do not now see OCR's role changing in this area, I intend to review OCR's current activities and ensure that they are adequate.

6. Q. What do you think about agency-initiated compliance reviews? Are they useful? Will you do more or less of them than the Office for Civil Rights has done in recent years?

A. I believe compliance reviews are useful for ensuring that civil rights laws are being obeyed. It is too soon for me to tell whether compliance reviews are necessary. However, I can assure that I will work to increase the effectiveness of compliance reviews.

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY FOR LEGISLATION

June 12, 1989

Honorable Paul Simon
United States Senate
Washington, D.C. 20510

Dear Senator Simon:

I have enclosed answers to the questions which Senator Kennedy and Senator Harkin asked LeGree Daniels to answer as a result of the Committee's hearing on April 29th on her nomination to be Assistant Secretary for Civil Rights.

I hope you will let me know if you need additional information about Ms. Daniels or the other nominees.

Sincerely,

Frances Norris
Assistant Secretary

Enclosure

400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202

QUESTIONS SUBMITTED TO LEGREE DANIELS BY SENATOR HARKIN

1. Do you agree with Alicia Coro's interpretation of the Supreme Court's decision in U.S. Department of Transportation v. Paralyzed Veterans, 106 S. Ct. 2705 (1986) which is set out in a January 13, 1987 memorandum to Robert Smallwood concerning jurisdiction over Pennsylvania Intermediate Units, Local Schools Districts and the Pennsylvania Department of Education? If you agree with Ms. Coro's interpretation, is it your opinion that 34 CFR 104.3(f) and (h) are no longer valid expressions of Department policy?

Yes, I agree... It also is my understanding that the definitions of "recipients" and "Federal financial assistance" set out in the regulations are still valid expressions of Department policy.

OCR's memorandum identifies the Intermediate Units in Pennsylvania as "recipients" of Federal financial assistance because the Intermediate Units are the entities that, via the State, receive Federal funds under the Education of the Handicapped Act (EHA) for providing special education services.

The local school districts, in Pennsylvania's particular statutory scheme, do not receive EHA funds either directly or indirectly.

"Federal financial assistance", as defined at S. 104.3(h), means the Department funds that go to the State, which distributes the funds to the Intermediate Units. These funds do not go to the local school districts. Therefore, they are not "recipients" of Federal financial assistance.

The Supreme Court in U.S. Department of Transportation v. Paralyzed Veterans of America, made clear that entities such as school districts are "recipients" only if they receive federal funds. Merely benefitting from another entity's receipt of federal funds is insufficient. Again, these school districts in Pennsylvania do not receive EHA funds.

In short, the issue in the January 13 memorandum, is whether the school districts are recipients, not ultimate beneficiaries. In this situation, school districts are not recipients under existing regulations. However, the intermediate unit is clearly a recipient of federal financial assistance. The interpretation in Mrs. Coro's memorandum permits OCR to protect handicapped children even if they are enrolled in the special education program of a school that does not receive federal assistance. Thus, if a school district within an Intermediate Unit's service area discriminates in its special education program and the Intermediate Unit does not fix the problem, OCR could terminate all EHA funds received by the IU -- not just that portion of the funds corresponding to the number of handicapped children in the school district. Therefore, as a practical matter, the potential adverse financial consequences of discriminating in the special education program would be greater under this interpretation of the law than under one that viewed the district as the recipient.

2. Do you distinguish between an ultimate beneficiary who benefits from federal assistance and therefore is not himself or herself subject to the coverage of section 504 and a public entity (such as a school district in Pennsylvania) which uses federally-supported services made available by another unit of government (such as the Intermediate Unit in Pennsylvania) to provide federally-mandated services to ultimate beneficiaries? Is it significant that the children residing in the school district generated the funds that paid for the services? Is it significant that under state law the school district is not in all respects subject to the authority of the Intermediate Unit or that the school district performs responsibilities such as the development of IEPs or the conduct of due process hearings which are typically performed by the recipient agency?

Yes, I would. As the Supreme Court held in the Paralyzed Veterans case, a beneficiary or ultimate beneficiary of Federal financial assistance is not necessarily a "recipient" for purposes of determining jurisdiction.

Although the children who are counted to determine how much EHA money is paid to a State may live in a district, the district does not itself receive EHA funds. It is who receives the funds, not where the counted children live, that determines OCR's jurisdiction in these cases.

OCR recognizes that local school districts in Pennsylvania perform many of the special education services for handicapped children. However, the only issue addressed in the memorandum is one of jurisdiction. OCR determined in the Pennsylvania situation that, (1) the Intermediate Unit was the recipient of EHA funds and (2) under State law the Intermediate Unit was responsible for providing a free appropriate public education (FAPE) to handicapped children in its service area. In determining jurisdiction based on receipt of funds, the issue is not who, under state law, actually performs the services necessary to provide handicapped children with FAPE. In any event, discrimination in the special education program will result in cutoff of EHA funds to the Intermediate Unit.

3. Which, if any, education funds received by a school district would subject the entire school district to the provisions of section 504 and the other civil rights statutes, thereby protecting all of the children enrolled in schools within the ~~district~~ from discrimination. Would handicapped children be entitled to the protections set out in subpart D of the regulations? Subpart A? Subpart B? Subpart C?

OCR has taken the position that School Assistance in Federally Affected Areas (Impact Aid) funds received by a school district subject the entire district to OCR's jurisdiction. When a district receives Impact Aid handicapped children would be entitled to all the protections in Subparts A through D of the Section 504 regulation.

Again, under OCR's interpretation, the handicapped children in a district would be entitled to Section 504's protection in a district's special education program even if the district received no federal funds -- provided that the Intermediate Unit received EHA funds.

I have worked closely with Pennsylvania advocacy groups for the handicapped in eliminating barriers at polling places. I can assure the Committee that I will monitor this situation closely to insure that OCR retains jurisdiction to the maximum extent consistent with the law and court decisions.

QUESTIONS FOR LEGREE DANIELS FROM SENATOR KENNEDY

1. In 1984, the Supreme Court ruled in Grove City College v. Bell that Title IX, and by extension, Title VI, Sec. 504 of the Rehabilitation Act, and the Age Discrimination in employment Act, applied only to those programs directly receiving Federal financial assistance. As a result, scores of cases have been closed or limited for jurisdictional reasons. OCR has yet to develop a comprehensive policy for investigating and resolving complaints in light of the Grove City decision. Neither has OCR conducted an in-depth analysis of the impact of the decision on its enforcement efforts. As the director of OCR:

a. How do you plan to handle the enforcement problems caused by Grove City?

b. What is your timetable for resolving the problems caused by Grove City?

As I stated in my written response to Senator Simon's question on this issue, I recognize that the Grove City decision has resulted in the closing of some cases due to lack of jurisdiction. However, the problems created cannot be resolved administratively. To restore OCR's pre-Grove City jurisdiction, legislation is required.

I support H.R. 1881, the Civil Rights Act of 1987. According to an OCR analysis, if it had been enacted in 1984, OCR would have been able to keep open all cases closed for lack of jurisdiction due to Grove City.

I know that S. 557 has been voted out of the Senate Committee and may become law. If it is enacted into law and if I am confirmed as Assistant Secretary for Civil Rights, I will of course faithfully execute this law and any other laws that fall under my jurisdiction.

2. The federal district court's order in Adams v. Bennett sets timeframes for handling and resolving civil rights complaints. Although these timeframes and deadlines have some flexibility, OCR must substantially comply with these rules or be in violation of the court's order. Recent news reports and congressional hearings have revealed that certain OCR regional offices have engaged in backdating discrimination investigations in contravention of the court order. OCR staff has also reportedly urged complainants to with draw their complaints in order for the agency to be in compliance with the timeframes of the order.

a. What is your plan to prevent such actions from happening again?

b. How will you investigate these charges in order to assess the scope and extent of the backdating?

c. Will you communicate your findings with the Congress?

d. How will you guarantee that the complainants who were pressured to drop their charges will be given the opportunity to pursue them?

As I stated in my response to Senator Simon's question on this matter, if confirmed I will work diligently to ensure that this situation does not happen again.

Specifically, I intend to review all of the management measures taken by the Acting Assistant Secretary and satisfy myself that these are sufficient to prevent any recurrence of such wrongdoing -- whether backdating or improper tolling.

With regard to reports that complainants have been pressured to withdraw their charges, I will review this matter and satisfy myself that if this occurred, there are adequate procedures to ensure that this does not happen again. Let me repeat what I said at my confirmation hearing on this or any other concern: I intend to keep Congress appropriately informed.

3. What is your specific experience and background in educational equity for women?

As I mentioned in my background statement, I have been actively involved in furthering the rights of women. Since 1981, I have served on the U.S. Commission on Civil Rights Advisory Board. One of my primary interests has been the rights of women in education. Our Commission held hearings throughout Pennsylvania to determine the level of discrimination directed at female educators. My chief concern was that the promotional policies of many school districts had a tendency to overlook women. Subsequent to these hearings, I dedicated a great deal of my time on encouraging school officials to promote qualified women into areas of administration, including superintendencies. I can state that our hearings and followup activities had a positive impact on the profession. This is just one specific and recent example of my work to further educational equity for women.

As with civil rights, I have been involved with furthering equal rights for women long before there were laws on the book protecting such rights.

4. Apart from being the granddaughter of a slave, how are you qualified to serve as Assistant Secretary for Civil Rights?

I appreciate the opportunity to again recount some of my past experiences and why I believe I am qualified for the position of Assistant Secretary for Civil Rights. I have provided Senator Simon with the same information:

> I have spent my whole life in government and politics, running a multitude of different organizations and being a pioneer for minority causes long before there were laws on the books to protect us in civil rights.
>
> I believe each individual can, and should, make a personal contribution to our society. The position of Assistant Secretary for Civil Rights would offer me an opportunity to evaluate first-hand issues facing this country as they pertain to civil rights, and to participate in the problem-solving process.
>
> The major strengths I will bring to this position are the knowledge that I will have a positive impact on the office -- a genuine and deep concern for civil rights -- and a keen desire to undertake this challenge. I have demonstrated my interest in government and have proved to be an effective leader. I take pride in tackling complex issues affecting my community, state and Federal government.

As you know, I submitted a detailed background vitae to the Committee. I would like to take this opportunity to highlight some of that information.

- * In addition to my many duties as Deputy Secretary of the Commonwealth, I developed, with the Affirmative Action Officer, department-wide policies and guidelines for implementation of Affirmative Action and contract compliance. I also instituted a strategic planning process which clarified department values and established performance objectives and standards for all managers, supervisors and professional employees.

- * As Commissioner, Bureau of Commissions, Elections, and Legislation in the PA Department of State, I was responsible for the managerial professional duties of directing the administration of the Elections, Notaries Public, Governor's appointments and Commissions, and Legislation programs. I was also responsible for planning, developing, and coordinating statewide implementation of the Election Code, and Notary Public Law, issuance of commissions, maintaining a repository for all state legislation; and administering a variety of related programs. I supervised professional, administrative and clerical staff. I established and maintained a direct working relationship with state, Federal agencies, the Governor's office, county officials, the Judiciary and the Legislature.

- * As Chairman of the National Black Republican Council, I oversaw 37 state organizations and additional affiliated councils, increased the membership substantially, conducted outreach activities including numerous regional seminars, and for the first time made the council financially self-sufficient.

- * I was the first Black member and Chairman of the Pennsylvania State Tax Equalization Board, having been confirmed by the Pennsylvania Senate.

- * I was the first Black to become an Examiner and later a supervisor in the Bureau of Motor Vehicles, PA Department of Revenue.

- * For the past eight years, I have represented Susquehanna Township on the Tri-County Commission for Community Action. One of our major accomplishments was the establishment of a community center which distributed food, clothing, and emergency shelter to the needy.

My formal experience with Civil Rights organizations and issues includes serving on the following:

- U.S. Commission on Civil Rights Advisory Board. As a member since 1981 my primary interests have been the equal rights of women as it related to school superintendencies in the State of Pennsylvania.
- Two-time delegate to the White House Conference on Aging. I represented Pennsylvania and am still a member of the Dauphin County Commission on Aging.
- On the voter registration board of the Joint Center for Political Studies.
- On the Board of National Coalition of Black Voter Participation. (I believe that voting and voter registration is one of our basic civil rights issues).
- The Pennsylvania Martin Luther King Commission.
- I am a life-long member of the NAACP and the Urban League.

I have worked on issues involving the handicapped. I helped to establish the guidelines for the 67 counties in Pennsylvania and was extremely pleased that, as a result of our efforts, nearly 90% of the state's polling places are accessible to the handicapped and elderly voters far ahead of the required Federal timeframe.

I also worked to obtain the votes of reluctant Senators for establishment of the Federal holiday to honor Martin Luther King.

My commitment to enforcement of civil rights is total. My managerial skills will be used to ensure that this enforcement is the most effective and timely ever.

5. You testified before the Senate Labor and Human Resources Committee that you supported the Administration's bill to overturn the *Grove City* decision. Why do you support this bill? What is your understanding concerning the distinction between the Administration's bill and the draft sponsored by Senator Kennedy *et al.*? How will the Administration's bill address the problems raised by the *Grove City* decision's probably application to Section 504 or Title VI?

In response to why I support H.R. 1881, I would direct your attention to my response given to Senator Simon's similar question.

One point should be made clear. H.R. 1881 amends *all* four Civil Rights statutes and therefore, if similar legislation had been enacted in 1984, OCR would have been able to keep open *all* cases which had been closed for lack of jurisdiction.

Since I responded to Senator Simon, S. 557 has been voted out of committee and is before the Senate. Should S. 557 become law, I of course will, as with all other laws within my responsibility, fully enforce it.

I would like to say again what I said to Senator Simon at the April 29th hearing. I have never hesitated in the past to stand up for what I believe in. I believe in the art of compromising but I never believe in compromising my principles and I will fight for what I believe in.

6. What, in your estimation, is the role of the federal government in assuring equal access to education?

I believe that every American has the right to equal educational opportunity. I believe that the Federal Government has an obligation to ensure that right. I will faithfully and vigorously enforce the Civil Rights laws as they apply to education.

As a woman and a minority, I have seen how important education can be for disadvantaged people. I truly believe that one cannot be economically free unless one is educationally free. By that, I mean we have to make extraordinary efforts to ensure all Americans have access and are taught the necessary skills such as reading, writing and arithmetic. Education, then, is the one great hope of our society. An educated citizenry not only strengthens our nation as a whole, but allows each of us to think independently, live competently and hopefully serve the greater good.

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY FOR LEGISLATION

May 4, 1987

Honorable Paul Simon
United States Senate
Washington, D.C. 20510

Dear Senator Simon:

Per your letter of April 30, 1987, I have enclosed answers to the questions which Senator Kennedy and you asked Bonnie Guiton to answer as a result of Wednesday's committee hearing on her nomination to be Assistant Secretary for Vocational and Adult Education.

We at the Department of Education are pleased to know that Ms. Guiton's nomination may be considered at the next Executive Session on May 6th. I hope you will let me know if you need additional information about Ms. Guiton or the other nominees.

Sincerely,

Frances Norris
Frances Norris
Assistant Secretary

Enclosure

400 MARYLAND AVE., S.W., WASHINGTON, D.C. 20202

RESPONSES TO SENATOR KENNEDY'S QUESTIONS

1. QUESTION

The Reagan Administration would like to eliminate or sharply decrease Federal funding for vocational education. Do you support these efforts?

RESPONSE

I strongly support the President's program to reduce the National deficit, and the Department of Education must be a part of this effort. I also believe the Federal Government can have an effective leadership role in vocational education, and I sincerely hope we can find some way to reconcile our goal of fiscal responsibility with our long-standing role of financially assisting States and communities in strengthening our Nation's system of vocational education.

2. QUESTION

What do you believe are the appropriate goals of Federal support for vocational education? What should the Federal role be in trying to carry out those goals?

RESPONSE

While I am not yet an expert on Federal legislation such as the Carl D. Perkins Vocational Education Act, I plan to be one soon. Generally, I feel the emphasis in the Perkins Act on assistance to special populations and program improvement is consistent with my view of a focused and directed Federal role in vocational education. However, whatever we do in vocational education, we must be sure that our programs are tied to results. These programs should give students the kind of educational foundation that helps them get not just their first jobs, but their second and third as well.

Our role in this enterprise should be one of providing leadership and direction to States and communities together with providing technical assistance, and supporting vocational research and data-gathering efforts in order to identify what works and what is working in vocational education.

3. QUESTION

In recent years the Federal Government has emphasized vocational education policies designed to ensure that special populations are served and to encourage program improvement at the local school level. Are these appropriate Federal goals? What will happen to special populations and program improvement if Federal support is reduced or withdrawn?

RESPONSE

I think an emphasis on special populations and program improvement is appropriate. However, it is my understanding that the current Federal contribution to vocational education represents only a minor portion of what States and communities are spending on this program. Thus, the effect of curtailing or eliminating funding under the Perkins Act would be minimal. Also, it is important to remember that even if all funding under the Perkins Act were eliminated, substantial Federal support for job training would continue for special populations under the Job Training Partnership Act. Additionally significant Federal aid for students in postsecondary vocational education programs would continue under the Education Department's student financial aid programs.

4. QUESTION

Do you believe that vocational education programs provide significant benefits to students who take them? Are vocational education programs effective in helping students obtain jobs? Do you believe vocational education programs boost student earnings?

RESPONSE

I believe that effective vocational education programs provide significant benefits to students in a variety of ways which include not only making them more employable at higher-paying jobs, but in strengthening their basic academic skills, providing them an incentive to stay in school, and strengthening their sense of self esteem. Having said this, I realize that all too often vocational education programs (as well as academic programs) fail to achieve their objectives. But I regard these shortcomings as an opportunity and challenge to improve the system.

5. QUESTION

Do you believe that the recent efforts to improve American education have given an appropriate level of attention to vocational education?

RESPONSE

I believe the educational reform movement in America has had (and I hope will continue to have) a positive effect on strengthening the basic academic skills of students enrolled in vocational education programs. If I am confirmed I will support continuing efforts to improve vocational education and to bring these efforts to the attention of Congress. I also think it is important that we remember that many students do not pursue college careers. We must make sure that these students do not get short-changed by being prepared for one narrow job. They must be provided access to first-rate educational programs appropriate to their needs.

6. QUESTION

How are Federal vocational education funds distributed? Do you believe that the current system effectively targets money on the neediest students?

RESPONSE

The Perkins Act requires that State allocations for the handicapped and the disadvantaged must be distributed to eligible recipients on the basis of the numbers of such students enrolled and served by eligible recipients. Furthermore, the Act requires that at least 51 percent of the funds a State receives under the Perkins Act must be allocated to units of local government which are economically depressed.

Clearly the intent of the Perkins Act is to target funds on students and eligible recipients with the greatest need. I have no reason to believe that States are not abiding by the requirements of the Perkins Act in this respect.

By next January we should have preliminary data on sub-State distribution patterns under the Perkins Act from the National Assessment of Vocational Education Study which is currently underway. These preliminary findings will, of course, be made available to Congress at that time.

7. QUESTION

What are the major research issues in vocational education at the present time?

RESPONSE

While the following enumeration is not exhaustive, it encompasses many of the major research issues which I understand are presently being addressed. These issues are--

- o The interrelationship between the purposes of vocational education at the secondary and postsecondary levels.
- o The ability of the vocational education system to integrate applied basic academic skill preparation with occupational education.

- The ability of the vocational education system to incorporate higher level math, communications, writing, and reading instruction with vocational education content and skill education.

- The ability of the vocational education system to incorporate knowledge on state-of-the art technologies into the vocational education curriculum.

- The capacity of the vocational education system to integrate into the curriculum occupational goals, citizenship goals, work ethic goals, and an understanding of the concept of international competitiveness.

- The effectiveness of current instructional models for providing occupational skills to special population groups.

- The effectiveness of current approaches to providing occupational retraining for adult workers.

The Congressionally mandated "National Assessment of Vocational Education" study is examining many of these issues.

8. QUESTION

There has been a paucity of data about vocational education since 1983 when the government stopped using the Vocational Education Data System. Accurate and detailed data is essential to informed policy making. When can we expect to have such data from the Department of Education?

RESPONSE

The Center for Education Statistics is scheduled to publish a report called "Historical Patterns in Vocational Education" by late Summer or early Fall of this year. The report will present data on vocational education collected through existing data systems such as the Higher Education General Information Survey and longitudinal studies such as the "High School and Beyond." Included in the report will be information on providers of vocational education, participants in vocational education programs, completers of vocational education programs, outcomes of vocational education programs, and efforts to serve special populations in vocational education. It is my understanding that data collection is no longer confined just to State collected data. I understand that to improve the quality of data and to reduce the burden of collecting it, the Department is planning to augment existing surveys of secondary school students, such as the National Assessment of Educational Progress. These surveys conducted by nationally respected data collection firms will ensure that the data are of high quality.

Senator SIMON. I have just been handed a note that Senator Moynihan wanted to be here and wanted to indicate his support of Ms. Dorsett and Ms. Daniels.

We thank you very much for being here. Our hearing stands adjourned.

[Whereupon, at 10:50 a.m., the Committee was adjourned.]

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